

**In The Matter Of:**  
*United States vs.*  
*PFC Bradley E. Manning*

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*Vol. 34*  
*August 13, 2013*  
*UNOFFICIAL DRAFT - 8/13/13 Morning Session*

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VOLUME XXXIV

IN THE UNITED STATES ARMY

UNITED STATES

VS.

MANNING, Bradley E., Pfc. COURT-MARTIAL

U.S. Army, xxx-xx-9504

Headquarters and Headquarters Company,

U.S. Army Garrison,

Joint Base Myer-Henderson Hall,

Fort Myer, VA 22211

\_\_\_\_\_/ VOLUME

The Hearing in the above-titled matter was

held on Tuesday, August 13, 2013, at 9:34 a.m., at

Fort Meade, Maryland, before the Honorable Colonel

Denise Lind, Judge.

DISCLAIMER

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1     **APPEARANCES:**

2  
3                   **ON BEHALF OF GOVERNMENT:**

4                   MAJOR ASHDEN FEIN

5                   CAPTAIN JOSEPH MORROW

6                   CAPTAIN ANGEL OVERGAARD

7                   CAPTAIN HUNTER WHYTE

8                   CAPTAIN ALEXANDER VON ELTEN

9  
10                  **ON BEHALF OF ACCUSED:**

11                  DAVID COOMBS

12                  CAPTAIN JOSHUA TOOMAN

13                  MAJOR THOMAS HURLEY

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August 13, 2013

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1 PROCEEDINGS,

2 THE COURT: Court is called to order.

3 Major Fein, please account for the parties.

4 MR. FEIN: Yes, Ma'am. All parties when  
5 the Court last recessed are again present with the  
6 following exception, Captain Morrow is absent, Captain  
7 Overgaard is present.

8 Also, as of 0923 this morning, there are 16  
9 members of the media in the Media Operation Center, one  
10 stenographer, no media in the courtroom, 19 spectators  
11 in the courtroom, and no spectators in the overflow  
12 trailer, although it will remain available all day.

13 THE COURT: All right. At this point have  
14 there been any additional exhibits filed?

15 MR. FEIN: No, Ma'am.

16 THE COURT: I met briefly with counsel for  
17 an RCM 820 conference this morning and just to discuss  
18 scheduling and other logistics in the case. Initially  
19 we were going to go forward with a telephonic witness.  
20 There has been some technical issues with respect to  
21 that witness.

1                   So what the Court is going to do is, my  
2                   ruling on the Defense motion for appropriate relief  
3                   under RCM 1001(b)(4) for Rear Admiral Donegan and Major  
4                   General McKenzie objections is ready, so I will go  
5                   ahead and announce that.

6                   And then following that, pursuant to our  
7                   litigation yesterday, Mr. Coombs had sent the Court via  
8                   email last night some, the RCM 706 reported issue with  
9                   proposed redactions.

10                  I have couple questions about those  
11                  redactions. So the way we will handle that is, I hold  
12                  an ex parte session with Defense counsel.

13                  What that means is, it's just myself and  
14                  the Defense Counsel in the session. The public leaves  
15                  and the Government is not part of that session, because  
16                  it's talking about records that the Government might  
17                  not see.

18                  So it's going to be a very brief session.  
19                  We will just take a brief recess and go into the ex  
20                  parte session with Defense Counsel, and I'm going to  
21                  reconvene and go forward with the witnesses.

1 Does either side desire to comment on that  
2 proposal?

3 MR. COOMBS: No, Your Honor.

4 MR. FEIN: No, Ma'am.

5 THE COURT: All right. On the ruling, on 9  
6 August 2013, in accordance with the procedures  
7 established in the Court's ruling Defense motion for  
8 appropriate relief under RCM 1001(b)(4), Appellate  
9 Exhibit 639, Defense filed five objections to the  
10 testimony of Rear Admiral Donegan and Major General  
11 McKenzie.

12 The Defense objections were from testimony  
13 given in closed session and the substance of the  
14 objections is classified.

15 The Government compiled a joint classified  
16 filing, including the Defense objections and the  
17 Government responses to the objections as Appellate  
18 Exhibit 654 Alpha. The unclassified redacted joint  
19 classified filing is Appellate Exhibit 654 Bravo. The  
20 Court's ruling on each objection is as follows:

21 Objection one: Rear Admiral Donegan



1 testified about actual WikiLeaks releases and actual  
2 harm to national security caused in two countries as a  
3 result of the releases. This is evidence that is  
4 directly related to and resulting from Pfc Manning's  
5 offenses. It is a admissible aggravation evidence  
6 under RCM 1001(b)(4).

7                   Objection two: The testimony involved  
8 steps by the United State's Government and agencies  
9 therein to mitigate potential damage caused by public  
10 dissemination of information given to WikiLeaks by Pfc  
11 Manning.

12                   It is directly related to, resulting from  
13 Pfc Manning's offenses. The Court ruled such evidence  
14 is admissible aggravation evidence on 5 August 2013,  
15 Appellate Exhibit 639.

16                   Objection three: The testimony that  
17 particular WikiLeaks disclosure of information given by  
18 Pfc Manning occurred was one of several direct causes  
19 of the harm identified in this objection.

20                   The testimony is evidence that Pfc  
21 Manning's offenses were approximate cause of the harm.

1 This is evidence that's directly related to and  
2 resulting from Pfc Manning's offenses. The evidence is  
3 admissible under RCM 1001(b)(4).

4 Objection four: The factual testimony and  
5 the Government's answer to the Defense objection is  
6 admissible aggravation under -- evidence under RCM  
7 1001(b)(4).

8 The particular quotation in the Defense  
9 objection is speculative and is not admissible under  
10 MRE 403 and the Court will not consider it.

11 Objection five: The opinion at issue was  
12 elicited during the Court's questioning of Major  
13 General McKenzie regarding other issues. The witness  
14 is not qualified as an expert. The Court not consider  
15 the opinion under MRE 403.

16 MRE 403 analysis. The Court would value  
17 those portions of the testimony and evidence ruled  
18 admissible as aggravation evidence under RCM 1001(b)(4)  
19 is not substantially outweighed by the danger of unfair  
20 prejudice under MRE 403.

21 The Court has applied MRE 403 to each of

1 the objections and limited the scope of the testimony  
2 to matters directly related to or resulting from Pfc  
3 Manning's offenses and not otherwise speculative or  
4 unduly prejudicial.

5 So ordered this 13th day of August 2013.

6 All right. Is there anything else we need  
7 to address at this time before we take about a  
8 20-minute recess until 10:00. I'll hold that ex parte  
9 hearing and we'll come back on the record at 10:00.

10 Is there anything else we need to address?

11 MR. COOMBS: No, Your Honor.

12 MR. FEIN: No, Ma'am.

13 THE COURT: All right. Then Court is in  
14 recess until 10:00. Defense Counsel, please remain.

15 (Brief Recess)

16 THE COURT: Court is called to order. Let  
17 the record reflect all parties are present when the  
18 Court last recessed are again present in Court.

19 Mr. Coombs, are you ready to proceed?

20 MR. COOMBS: Yes, Your Honor. The Defense  
21 has marked as a, I believe it's 657 Bravo, a redacted

1 copy of the RCM 706 report and we have provided a copy  
2 to the Government.

3 THE COURT: Thank you.

4 MR. COOMBS: Your Honor, the Defense calls  
5 Captain Tanya Gaab to the stand, telephonic.

6 Captain Gaab.

7 THE WITNESS: Yes.

8 MR. COOMBS: Captain Gaab, this is Attorney  
9 David Coombs. If you would, please, stand and raise  
10 your right hand. Trial counsel is going to swear you  
11 in. Okay?

12 THE WITNESS: Okay.

13 Whereupon,

14 CAPTAIN TANYA GAAB,  
15 called as a witness, having been first duly sworn to  
16 tell the truth, the whole truth, and nothing but the  
17 truth, was examined and testified as follows:

18 EXAMINATION BY MR. COOMBS

19 BY MR. COOMBS:

20 Q. For the record, your Captain Tanya Gaab, of  
21 the 319th MI Battalion.

1 A. That's correct.

2 Q. Thank you. Captain Gaab, what is your MOS?

3 A. Security (inaudible) Delta.

4 Q. And how long have you been that MOS?

5 A. Since June 2008.

6 Q. Were you prior enlisted?

7 A. Yes.

8 Q. And what was your MOS as an enlisted?

9 A. 97 Echo Security --

10 Q. And how long were you an enlisted?

11 A. Three years.

12 Q. And what was your highest rank as an  
13 enlisted?

14 A. Specialist.

15 Q. How did you obtain your commission?

16 A. West Point.

17 Q. What year did you graduate from West Point?

18 A. 2008.

19 Q. When did you become part of HHC Second  
20 Brigade Combat Team?

21 A. In July 2008.

1 Q. And what was your duty position?

2 A. I was the security manager in Abugard.

3 Q. What did you do basically on a daily basis?

4 A. (Inaudible).

5 Q. Can you explain for a moment what that  
6 might involve?

7 A. (Inaudible).

8 Q. Did you also do radon, if someone was say  
9 TSSCI?

10 A. Correct. (Inaudible).

11 Q. How long did you hold that position?

12 A. Probably about one year.

13 Q. Where did you go after that?

14 A. (Inaudible)

15 Q. Can explain what that was for?

16 A. (Inaudible).

17 Q. Roughly how long were you at Bullock 2 and  
18 Bullock 3?

19 A. I believe it was around six months total.

20 Q. Then after completing Bullock 3 what did  
21 you do?

1           A.     I went back to (inaudible) and deployed to  
2   Iraq.

3           Q.     When did you deploy for Iraq?

4           A.     I believe it was around February 2009.  
5   Excuse me.   2010.

6           Q.     When you deployed in February 2010, what  
7   was your job?

8           A.     I assumed the CIDNE team lead.

9           Q.     Can you explain what you did as the CIDNE  
10   team leader in general?

11          A.     Analyze records that fell under that and  
12   then reported it to Division Chief and (inaudible).

13          Q.     How many soldiers did you have working for  
14   you?

15          A.     Two.

16          Q.     Who were they?

17          A.     I'm sorry, I don't remember their names.

18          Q.     If I said Specialist Cooley, Specialist  
19   Fields, would that sound familiar?

20          A.     Special Cooley and -- what was the other  
21   name?

1 Q. Fields. Or Shume.

2 A. No, that's not correct. (Inaudible).

3 Q. Did Pfc Manning ever do any work for you?

4 A. Yes, occasionally, if we had work that our  
5 soldiers couldn't complete or any of our soldiers  
6 (inaudible).

7 Q. How often would you, I guess, have  
8 interaction with Pfc Manning?

9 A. Every day.

10 Q. And based upon your observations, in  
11 general, what type of duty performer was Pfc Manning?

12 A. As a soldier -- (inaudible)

13 Q. Do you recall ever saying that you thought  
14 he was very good at producing analytical products?

15 A. I think he's good as an analysis. I don't  
16 think he's good or I don't think he was good getting  
17 (inaudible)

18 Q. Do you recall ever saying if you had any  
19 problems with Excel or PowerPoint you could always  
20 count on him to help you out and he did it?

21 A. That's correct, yes. He was good at



1 computers. (Inaudible).

2 Q. Were you ever informed of an incident  
3 involving Pfc Manning and Specialist Padgett?

4 A. I heard when I got there, not from any  
5 official source, that he (inaudible)

6 Q. Do you know what was done in response to  
7 Pfc Manning's actions when he was counseled?

8 THE COURT: Hold on just a moment. This is  
9 Colonel Lind, the Judge. Yes.

10 MR. COOMBS: This is what I'll ask her.  
11 The question goes to does she know what was done with  
12 Pfc Manning after his actions?

13 THE COURT: Overruled. Let's see if she  
14 knows.

15 BY MR. COOMBS:

16 Q. So the question to you is, do you know what  
17 was done in response to Pfc Manning's actions when he  
18 was counseled by Specialist Padgett?

19 So, if you know, you can say, yes, I know  
20 something was done or I know nothing was done or I have  
21 no idea?

1           A.     I don't know what was done. I have no  
2     idea.

3           Q.     All right. Within the S2 section, who was  
4     in charge of administrative details and supervision of  
5     soldiers?

6           A.     Sergeant Adkins.

7           Q.     Was he a Master Sergeant at the time?

8           A.     Yes, he was.

9           Q.     And why was Master Sergeant Adkins in  
10    charge of supervision of soldiers?

11          A.     (Inaudible).

12          Q.     Were there other NCOs in the S2 Section?

13          A.     Yes, there are.

14          Q.     Who are they?

15          A.     Sergeant Balonek and Sergeant Madaras for a  
16    time. And there was another E5 that worked out  
17    (inaudible).

18          Q.     Did you see a difference in  
19    responsibilities over enlisted soldiers between Master  
20    Sergeant Adkins and Staff Sergeant Balonek?

21          A.     Yes.

1 Q. And what did you see?

2 A. Captain Balonek was also a team lead. He  
3 was more technical (inaudible).

4 Q. What would Sergeant Adkins do, as far as  
5 the soldiering part; what do you mean by that?

6 A. He would administer (inaudible) He was in  
7 charge of their training.

8 Q. I want to ask you a few questions about an  
9 incident between Pfc Manning and Specialist Showman.  
10 Okay?

11 A. Okay.

12 Q. Now in the early May 2010 timeframe, did  
13 you find out about an incident involving Pfc Manning  
14 and Specialist Showman?

15 A. Yes.

16 Q. And how did you find out about that?

17 A. (inaudible) told me of incident where Pfc  
18 Manning.

19 Q. After going back to the SCIF, did there  
20 come a time when you saw Pfc Manning?

21 A. I didn't see him immediately. I saw

1 Specialist Showman. After speaking to Specialist  
2 showman (inaudible)

3 Q. And from what you knew at that point had  
4 Pfc Manning been removed from the T-SCIF, as far as no  
5 longer being allowed to go back?

6 A. No.

7 Q. And did you ever speak to Master Sergeant  
8 Adkins about why Pfc Manning was not removed from his  
9 position at the T-SCIF at that point?

10 A. Asked them what was going on. He told me  
11 he had taken Specialist Manning to the -- medical  
12 office to see if he was okay. (Inaudible) I asked him  
13 what else he did.

14 Q. Did Master Sergeant Adkins indicate if  
15 anything was going to be done with the company  
16 commander at that point?

17 A. No. At that point I was under the -- he  
18 told me that was what had been done. At that point I  
19 (inaudible).

20 Q. Why did you feel that you needed to take  
21 those steps that you just told us about?

1           A.     Because Specialist Showman had a welt on  
2 her face (inaudible)

3           Q.     Did you actually go speak with the company  
4 commander?

5           A.     Yes, I did.

6           Q.     And why did you do that?

7           A.     Because I was under the impression that he  
8 was to be notified (inaudible).

9           Q.     What was done after you went and spoke with  
10 the Commander?

11          A.     (Inaudible)

12          Q.     Prior to you directing Specialist Showman  
13 to draft up the derog, had any action been taken on  
14 doing a derog?

15          A.     No.

16          Q.     Why did you feel the need to do the derog?

17          A.     (Inaudible).

18          Q.     You indicated that you were told it was not  
19 your lane. Who told you it wasn't your lane?

20          A.     (Inaudible).

21                 MR. COOMBS: Captain Gaab, the Government

1 is going to have a few questions for you, okay?

2 THE WITNESS: Okay.

3 MR. FEIN: Thank you. Nothing from the  
4 Government, Your Honor.

5 THE COURT: Temporary or permanent excusal?

6 CAPTAIN MORROW: Permanent, Your Honor.

7 THE COURT: Captain Gaab, this is Colonel  
8 Lind, the military judge. You are permanently excused.  
9 Thank you for your testimony.

10 THE WITNESS: Thank you, Ma'am.

11 (Witness Excused)

12 THE COURT: Mr. Coombs, ready to proceed  
13 with the next witness.

14 MR. COOMBS: Thank you, Your Honor. The  
15 Defense would call CW2 Joshua Ehresman.  
16 Whereupon,

17 CW2 JOSHUA EHRESMAN,  
18 called as a witness, having been first duly sworn to  
19 tell the truth, the whole truth, and nothing but the  
20 truth, was examined and testified as follows:

21 EXAMINATION BY MR. COOMBS

1                   MR. COOMBS: I'll remind you, you are still  
2 under oath.

3                   THE WITNESS: Yes, sir.

4 BY MR. COOMBS:

5           Q.     And if you could remind us, how long have  
6 you been in the military?

7           A.     19 and a half years, sir.

8           Q.     What was your enlisted rank prior to  
9 becoming Warrant.

10          A.     Sergeant First-class.

11          Q.     Have you had or held positions that require  
12 responsibility -- let me rephrase that.

13                   Have you had supervisory responsibility  
14 positions over soldiers in the past?

15          A.     Yes.

16          Q.     How many, roughly, would you say you have  
17 had, positions?

18          A.     I have held all positions up to First  
19 Sergeant.

20          Q.     And I imagine you counseled soldiers  
21 before?

1           A.     Yes, sir.

2           Q.     And why would you, in general, do that?

3           A.     Positive, negative direction, various  
4 reasons, sir.

5           Q.     And when you arrived at the second BCT, did  
6 you receive an initial written counseling explaining  
7 your duties and responsibilities to you?

8           A.     No, sir.

9           Q.     Do you know why not?

10          A.     I do not know.

11          Q.     Was that something that you would expect to  
12 receive?

13          A.     Yes, sir.

14          Q.     Within the S2 section, did you see yourself  
15 as part of the chain of command over soldiers?

16          A.     No, sir.

17          Q.     And can you explain to the Judge why not?

18          A.     Because I did inquire about my leadership  
19 responsibility to both Master Sergeant Adkins and Major  
20 Clausen and both of them told me that I was in charge  
21 of intel products, not in charge of the leaders.



1           Q.     Did you challenge that assumption that you  
2 would have no responsibility for leadership or  
3 supervision of soldiers?

4           A.     Yes, sir.

5           Q.     And why did you challenge that?

6           A.     Because I felt, as a officer, that I was  
7 still in charge of -- pass charge of soldiers. So I  
8 wanted to be in charge of the shop. If I was  
9 responsible for it, I wanted to have responsibility.

10          Q.     And who did you speak to when you  
11 challenged that assumption that you would have no  
12 responsibility?

13          A.     The same two that I just said, sir, Master  
14 Sergeant Adkins and Major Clausen.

15          Q.     When you went to them, how did they respond  
16 to you?

17          A.     They told me that I just take care of the  
18 intelligence products and they would handle the rest.

19          Q.     How often did you bring that subject up  
20 with Major Clausen and Master Sergeant Adkins?

21          A.     At least twice, sir.

1           Q.     And on each occasion were you told  
2 essentially the same thing?

3           A.     Yes, sir.

4           Q.     Did the guidance that you received from  
5 Major Clausen and Master Sergeant Adkins comport with  
6 what your experience was as a non-commissioned officer?

7           A.     No, sir.

8           Q.     And why not?

9           A.     Normally the Warrant is in charge of that  
10 section, but what their leadership style, the way they  
11 did it, they didn't require me to do that.

12          Q.     During your discussions with Major Clausen  
13 were you ever told that you had or that you were no  
14 longer NCO, you needed simply to focus on your duties  
15 to collect intelligence?

16          A.     Yes, sir.

17          Q.     And when was this?

18          A.     When I first got there.

19          Q.     Based upon your observation, how would you  
20 describe the leadership within the S2 section, the  
21 leadership provided within the S2 section?

1           A.     I thought it was good, sir.

2           Q.     And why would you say that?

3           A.     They had general concern for the soldiers  
4 and the other leaders within the ranks, sir.

5           Q.     From your perspective, did the S2 section  
6 foster a kind of keep-everything-in-the-house attitude?

7           A.     Yes, sir.

8           Q.     And what do you mean by that?

9           A.     We tried to deal with at the lowest level  
10 was taught to us by the military.

11          Q.     Did anyone ever complain about not taking  
12 something outside of the S2 section?

13          A.     A few times, yes, sir.

14          Q.     And during the deployment, I want to talk  
15 to you about an incident that you witnessed, okay?

16          A.     Yes, sir.

17          Q.     Between Pfc Manning and Specialist Padgett.  
18 Were you present when Specialist Padgett was counseling  
19 Pfc Manning?

20          A.     Yes, sir.

21          Q.     And when was this?

1           A.     You are asking for dates, sir?

2           Q.     Roughly. Was it December 2009?

3           A.     It was 2009.

4           Q.     December 2009?

5           A.     I believe so, sir.

6           Q.     And from your memory what happened?

7           A.     I know Padgett was giving him a correct  
8 training counseling, I believe it was for being late or  
9 some sort like that. And Pfc Manning I think got a  
10 little upset what was going on and he dumped a table  
11 and then --

12          Q.     Stop there. You say dumped a table. What  
13 do you mean he did?

14          A.     Well, he got angry and he slammed his fist  
15 on the table. And he grabbed onto the table and he  
16 lifted it and put his arm under it and lifted it over  
17 and dumped the computers onto the floor.

18          Q.     What size of the table are we talking  
19 about?

20          A.     The same size as the Prosecution's desk.

21          Q.     So, roughly, maybe 8 by 3?

1           A.     Yes, sir.

2           Q.     Once he did that what happened?

3           A.     There was a little commotion and I went and  
4 detained him.

5           Q.     Before you detained Pfc Manning, then  
6 Specialist Manning, did you see him do anything?

7           A.     I felt that he was going towards the  
8 weapons rack and I felt that I needed to detain him.

9           Q.     Why did you feel that way?

10          A.     Because he was very visually distraught and  
11 he had already dumped a table filled with Government  
12 computers. So you don't know what's going to happen.  
13 So I acted.

14          Q.     And when you say you restrained him, what  
15 did you do?

16          A.     I grabbed him and put him in a full nelson  
17 and set him on a bench.

18          Q.     And a full nelson, that terminology, is  
19 that a wrestling terminology?

20          A.     Yes, sir.

21          Q.     And when you say full nelson, can you

1 describe what you did?

2 A. Yes. You put both arms under the armpits  
3 and on the back of his head. And then two fingers  
4 behind the head.

5 Q. All right. And once you did that, what  
6 happened?

7 A. Me and him talked. I told him to relax.  
8 When he relaxed, I let him sit down. And we talked  
9 like adults. And then he said, I'm calm, let me go. I  
10 let him go. We sat down and talked. I told Padgett to  
11 leave. And he calmed down and we walked out of the  
12 SCIF and had a cigarette.

13 Q. And based upon what you saw, was this  
14 reported to Master Sergeant Adkins at anytime?

15 A. Yes, sir.

16 Q. And how do you know that?

17 A. I told Master Sergeant Adkins, Padgett told  
18 Sergeant Adkins, everybody told Master Sergeant Adkins,  
19 and I believe he went to mental health at that time.

20 Q. From your perspective, did you see any, I  
21 guess besides mental health, did you see any corrective

1 training or any sort of UCMJ action due to what  
2 occurred during the counseling session?

3 A. No, sir.

4 Q. Do you know why not?

5 A. No, sir.

6 Q. From your perspective, was that type of  
7 conduct that you witnessed something that was  
8 acceptable within the T-SCIF?

9 A. No, sir.

10 Q. And why?

11 A. Because he dumped a table full with  
12 Government computers.

13 Q. Are you familiar with what a derog is?

14 A. Yes, sir.

15 Q. And how so?

16 A. After all this I have been put in roles  
17 where I have been led to advise or come in contact with  
18 derogs, sir.

19 Q. So prior to this deployment were you  
20 familiar with what a derog was?

21 A. No, sir.

1           Q.     Now based upon your understanding what a  
2     derog is, do you have an understanding when you would  
3     file a derog?

4           A.     Yes, sir.

5           Q.     And when is that?

6           A.     After an incident like that would have  
7     taken place.

8           Q.     And you say "like that", the incident that  
9     you witnessed with Pfc Manning and Specialist Padgett?

10          A.     Yes, sir.

11                 MR. COOMBS:   Thank you.

12                 THE COURT:   Government?

13                         EXAMINATION BY CAPTAIN OVERGAARD

14     BY CAPTAIN OVERGAARD:

15           Q.     You said on direct that you tried to handle  
16     things at the lowest level.   What did you mean by that?

17           A.     In the military you are told to handle at  
18     the lowest level so you don't overkill an incident.

19           Q.     So you were told by Major Clausen and  
20     Master Sergeant Adkins that you were not responsible  
21     for any soldier's misconduct?



1           A.     Yes, Ma'am.

2           Q.     And what was your primary mission during  
3     '09-'10 deployment?

4           A.     Was product supervision, Ma'am.

5           Q.     So you were told to focus on that work  
6     product?

7           A.     Yes, Ma'am.

8           Q.     Master Sergeant Adkins would handle the  
9     soldier issue so you could focus on your mission?

10          A.     Yes, Ma'am.

11          Q.     Which was?

12          A.     Intelligence.

13          Q.     The '09-'10, that was your third  
14     deployment?

15          A.     Yes, Ma'am.

16          Q.     Was the S2 shop run in orderly manner?

17          A.     Yes, Ma'am.

18          Q.     Master Sergeant Adkins ran a direct line  
19     between the soldiers and him?

20          A.     Yes, Ma'am.

21          Q.     And there was no issues with that?

1           A.     No, Ma'am.

2           Q.     In fact, all the leadership at 210 had an  
3 open door policy?

4           A.     Yes.

5           Q.     And it seemed to work for the shop?

6           A.     Yes.

7           Q.     It was actually a very close shop?

8           A.     Very close.

9           Q.     And how was Captain Lim at the S2?

10          A.     He was awesome.

11          Q.     He did a good job?

12          A.     He did a terrific job.

13          Q.     Were they all trained appropriately before  
14 you deployed?

15          A.     Yes, Ma'am.

16          Q.     Was someone always available for junior  
17 analysts to ask questions when you were in theater?

18          A.     Yes, Ma'am.

19          Q.     You said now you know about derogs. At the  
20 time you didn't?

21          A.     Right.

1           Q.     And you said this might be something that  
2     you would do a derog for?

3           A.     Yes, Ma'am.

4           Q.     But you could see why somebody wouldn't do  
5     a derog for it as well?

6           A.     Yes, Ma'am.

7           Q.     You typically do derogs for trust related  
8     issues in your opinion?

9           A.     Yes, Ma'am.

10          Q.     So it could go either way?

11          A.     It could.

12          Q.     And you would derog for when somebody went  
13     to mental health?

14          A.     No, Ma'am.

15                 CAPTAIN OVERGAARD:  No further questions.

16                 THE COURT:  Redirect?

17                         EXAMINATION BY MR. COOMBS

18     BY MR. COOMBS:

19           Q.     If you recall, when did Captain Lim come to  
20     S2?

21           A.     I believe it was in January.

1 Q. So after this incident?

2 A. Yes, sir.

3 MR. COOMBS: Thank you.

4 THE COURT: I have a couple of questions  
5 for you. You just testified earlier in your testimony  
6 that you wanted to be part of the leadership chain.  
7 How did you envision that would work?

8 THE WITNESS: Well, I was a new officer so  
9 I wasn't sure my role as a warrant officer. And I  
10 previously held the position of First Sergeant, so  
11 since I was the fusion OIC and was responsible for  
12 everything out there, I wanted direct leadership  
13 supervision of all of the soldiers in there, as well as  
14 the leadership.

15 So I can have an impact on whether they  
16 listen to me or not. If you don't have that boss role,  
17 sometimes they blow you off, because you are not  
18 feeding their NCOER or OER or whatever.

19 THE COURT: How were you envisioning that  
20 would work with Master Sergeant Adkins?

21 THE WITNESS: Well, he would be above and

1 running the complete shop, like overall pay for, stuff  
2 like that, whereas, I would be responsible for the  
3 leaders within the shop and the junior level, the lower  
4 level.

5 THE COURT: And this was the procedure that  
6 Master Sergeant Adkins and Major Clausen said, no, we  
7 don't want to do that?

8 THE WITNESS: Yes.

9 THE COURT: Okay. When Pfc Manning flipped  
10 the table. And how many Government computers were on  
11 the table?

12 THE WITNESS: There were two computers,  
13 Ma'am.

14 THE COURT: Large computers or laptops?

15 THE WITNESS: Lap. Well, one had a screen  
16 and the other one was a laptop.

17 THE COURT: Do you know if anything  
18 happened to those computers as a result of the --

19 THE WITNESS: I don't remember anything  
20 happening to them specifically.

21 THE COURT: Did they break?

1                   THE WITNESS: I know they fell. I don't  
2 know if they worked or not after that.

3                   THE COURT: Any follow up based on the  
4 questions?

5                   MR. COOMBS: No, Your Honor.

6                   CAPTAIN OVERGAARD: No, Ma'am.

7                   THE WITNESS: Once again, you are  
8 temporarily excused. Please don't discuss your  
9 testimony or knowledge of the case with anyone other  
10 than counsel or the accused or the parties.

11                   (Witness Excused)

12                   MR. COOMBS: Defense calls CW2 Kyle  
13 Balonek.

14 Whereupon,

15                   KYLE BALONEK,  
16 called as a witness, having been first duly sworn to  
17 tell the truth, the whole truth, and nothing but the  
18 truth, was examined and testified as follows:

19                   EXAMINATION BY MR. COOMBS

20 BY MR. COOMBS:

21                   Q. Chief, I just remind you, you are still

1 under oath.

2 A. Yes, sir.

3 Q. Chief, I know you testified to this before,  
4 but just refresh our memory, when did you become a  
5 Warrant Officer?

6 A. August 2010.

7 Q. And prior to becoming a warrant officer you  
8 were a 35 Fox?

9 A. Yes, sir.

10 Q. And what was your highest enlisted rank?

11 A. I was a staff sergeant promotable.

12 Q. Were you ever part of HHC 2d Brigade?

13 A. Yes, sir.

14 Q. And who was the N2SC of the S2 Section?

15 A. Master Sergeant Adkins.

16 Q. As the N2SC did Master Sergeant Adkins ever  
17 counsel you in writing on his expectation of you as the  
18 leader within the S2 section?

19 A. Occasionally.

20 Q. Did he do that when you first arrived?

21 A. I don't think so.

1           Q.     Is that something that you would expect as  
2 a warrant officer coming into a shop?

3           A.     As a warrant officer or as an NCO?

4           Q.     I'm sorry. You were an NCO at the time?

5           A.     Yes, sir.

6           Q.     And why is that?

7           A.     It lays the expectations of your duty  
8 performance and how to hold yourself and keys to  
9 success for your NCOERs.

10          Q.     Who is the S2 when you deployed to Iraq?

11          A.     In 2009, sir. Major Clausen.

12          Q.     Did Major Clausen ever counsel you and  
13 write on his expectations of you as a leader within the  
14 S2 section?

15          A.     Not that I can recall, sir.

16          Q.     Did you feel any frustration by not being  
17 given any guidance on the expectation of you as a  
18 leader?

19          A.     Maybe a little, sir.

20          Q.     Do you recall saying that was one of your  
21 biggest frustrations?



1           A.     It was a frustration; yes, sir.

2           Q.     Do you recall ever saying in response --

3                   THE COURT:   Finish your question and then  
4 your objection.

5 BY MR. COOMBS:

6           Q.     Do you recall ever saying in response to a  
7 question, did you ever receive initial counseling,  
8 honestly I cannot ever say I did in this unit.  It was  
9 kind of one of my bigger frustrations here?

10                  THE COURT:   Overruled.  There is no way to  
11 ask that question, if I ruled.

12                  THE WITNESS:  I do.

13 BY MR. COOMBS:

14           Q.     Why did you say that?

15           A.     It's tough to do what you need to do, if  
16 you don't know what's really expected of you.  That's a  
17 good way to describe it.

18           Q.     Now let's discuss Master Sergeant Adkins'  
19 supervisory scheme for enlisted soldiers within your  
20 section.

21           A.     Yes, sir.

1           Q.     Under his supervisory scheme, were you ever  
2 circumvented in regards to soldier issues?

3           A.     I think one specific that was more of a  
4 time to be there issue.

5           Q.     Do you recall ever saying -- do you recall  
6 ever saying that you felt you had been circumvented by  
7 Master Sergeant Adkins when it came to enlisted  
8 shoulder issues?

9           A.     I believe that extends from the -- I was  
10 assigned a specific time to be there and then changed  
11 behind me.

12          Q.     Do you recall ever saying that you felt  
13 that he had cut you out of the loop with regards to  
14 enlisted soldier actions?

15          A.     Yes.

16          Q.     And why did you feel that way?

17          A.     I felt like I really knew what was going on  
18 within the section.

19          Q.     Did you ever address that with Master  
20 Sergeant Adkins?

21          A.     Once, but I was kind of let me know how the

1 chain would work.

2 Q. Do you recall ever saying Master Sergeant  
3 Adkins created a situation where I, as the supervisor,  
4 was circumvented in the extent to which I was being  
5 circumvented was also hidden from me?

6 A. Yes. I didn't know at the time.

7 Q. And why did you feel that the extent to  
8 which you were being circumvented was being hidden from  
9 you?

10 A. Mostly seemed like from the particular  
11 issue that we are dealing with now.

12 Q. Showing you what would be marked as Exhibit  
13 QQQ for identification. If you would, please, just  
14 glance at that, look at all three pages, and when  
15 you're done just look up at me.

16 (Pause)

17 Are you familiar with the contents of this  
18 email?

19 A. Only since the investigation happened.

20 Q. Do you believe this is something that you  
21 should have been made aware of?

1           A.     Maybe, yes; maybe, no. I haven't seen it  
2 up around me, but I'm not entirely sure if it needed to  
3 go through me. It probably could have. If it had gone  
4 through the chain of custody, but it seemed to go  
5 straight to Adkins probably as an sample of what I  
6 stated before.

7           Q.     As a one of the NCOs and having duties over  
8 Pfc Manning, do you believe this action should have  
9 been shared with you at the time Master Sergeant Adkins  
10 received it?

11          A.     Due to the sensitivity of it, maybe; maybe  
12 not.

13          Q.     Why do you feel that way?

14          A.     If it hadn't been brought to me it would  
15 have gone to Adkins and followed this particular chain  
16 that it looks like it followed. I would have spent  
17 another intermediary step.

18          Q.     Well, did you feel that you had the ability  
19 to take appropriate corrective action over one of your  
20 soldiers under Master Sergeant Adkins's supervisory  
21 scheme?

1           A.     During the deployment, yes.

2           Q.     Why did you feel that way?

3           A.     Because I had a little bit more control  
4 over my team members, at least that worked on the day  
5 shift.

6           Q.     Do you recall ever saying that Master  
7 Sergeant Adkins supervisory scheme both pre and post  
8 deployment created dysfunctional supervisory scheme  
9 among the S2 mid level leaders and enlisted soldiers?

10          A.     It changed frequently, which made it  
11 slightly confusing.

12          Q.     Did you actually use that term  
13 "dysfunctional"?

14          A.     I may have. It's been a while, sir.

15          Q.     All right.

16                   (Pause)

17                   Putting in front of the witness QQQ for  
18 identification. Handing the witness Defense Exhibit  
19 SSS for identification.

20                   If you would take a look at that. When  
21 you're done, look up at me.

1 (Pause)

2 Do you recognize that?

3 A. Yes, sir.

4 Q. What is it?

5 A. It's my rebuttal for the letter of  
6 reprimand.

7 Q. If you would, take a look on Page 3. If  
8 you would read to yourself silently, Number 3,  
9 Paragraph 3, that's labeled there, Paragraph C right  
10 beneath that. When you're done, just look up at me.

11 A. 3 and C?

12 Q. Yes. Look at Paragraph 3. And then, did  
13 you read C as well?

14 A. Yes, sir.

15 Q. Then, if you would, Paragraph 2 beneath  
16 that.

17 (Pause)

18 Are you finished reading?

19 A. Yes, sir.

20 Q. Retrieving SSS for identification from the  
21 witness. Does that refresh your memory as to what you

1 said about whether or not it was dysfunctional?

2 A. A little bit; yes, sir.

3 Q. A little bit?

4 A. Yes, sir?

5 Q. What does?

6 A. Bringing the dog back. I remember.

7 Q. And based upon that, did you say that you  
8 believed he had a dysfunctional leadership scheme?

9 A. Based on the changes it became that way,  
10 yes, sir.

11 Q. And so, also based upon that do you recall  
12 saying that you felt that that should have been the  
13 email that we addressed, Defense Exhibit QQQ for  
14 identification, do you recall indicating that should  
15 have been shared with you?

16 A. If he followed the proper chain through  
17 team lead NCOIC it should have been.

18 Q. And do you recall indicating that you felt  
19 that Master Sergeant Adkins intentionally cut you out  
20 of decision making and disciplinary issues with regards  
21 to your soldiers?

1           A.     That is how I felt.

2           Q.     Why did you feel that way?

3           A.     Felt as a junior NCO I should have had more  
4 involvement. However, I didn't have the knowledge, it  
5 didn't go to me. It went straight over my head.

6           Q.     Did you ever speak directly with Major  
7 Clausen or Master Sergeant Adkins about the supervisory  
8 scheme?

9           A.     While deployed, yes.

10          Q.     And what did you say?

11          A.     I wanted his clear guidance on what he  
12 wanted me to do and how he wanted my part of the  
13 section.

14          Q.     And did that change to where now you  
15 were -- obviously you are still being circumvented; is  
16 that correct?

17          A.     It fixed a few things, but it didn't fix  
18 the overarching problem.

19          Q.     And did you ever speak with Captain Lim  
20 about Master Sergeant Adkins' supervisory scheme?

21          A.     I can't recall an incident, but I may have,



1     sir.

2             Q.     Do you recall ever speaking with Master  
3     Sergeant Adkins specifically about an incident  
4     involving Pfc Manning and Specialist Padgett in  
5     December of 2009?

6             A.     I don't think I discussed that with him,  
7     no.

8             Q.     Are you aware of any incident between Pfc  
9     Manning and Specialist Padgett in December of 2009?

10            A.     The counseling session?

11            Q.     Are you aware of any incident between Pfc  
12    Manning and Specialist Padgett in December 2009?

13            A.     Yes.

14            Q.     And what are you aware of?

15            A.     I heard that he had flipped over a table  
16    during a counseling session.

17            Q.     Now, as one of the NCOs within the S2  
18    section, did you speak to anyone about that incident?

19            A.     Outside of the S2?

20            Q.     Within the S2 section?

21            A.     It was talked about.

1           Q.     You, as one of the leaders, did you speak  
2 to anybody about that incident and what should happen?

3           A.     Yes, it was brought to Master Sergeant  
4 Adkins.

5           Q.     And did you do that?

6           A.     I believe Padgett did.

7           Q.     Do you recall ever speaking with Master  
8 Sergeant Adkins at all about that incident?

9           A.     Not really. It happened while I was out of  
10 the office. So the only thing I heard, I wasn't there,  
11 it's all what I heard from the people who were there.

12          Q.     Do you recall, and you tell me if you  
13 don't, indicating that you spoke to him and he told you  
14 not to worry about it, that he would handle it?

15          A.     That was a common answer I routinely got  
16 for anything I brought to him.

17          Q.     I want to make sure, that may have been the  
18 common answer. Now that I say that, do you recall  
19 bringing that issue up to Master Sergeant Adkins?

20          A.     I probably did.

21          Q.     Based upon your understanding of the

1 incident that occurred between Pfc Manning and  
2 Specialist Padgett, do you believe that that incident  
3 was properly handled as one of the NCOs within the S2  
4 section?

5 A. I do. At that point Pfc Manning had been  
6 going to counseling at Behavior Health. In my eyes it  
7 was being addressed, he was receiving some help.

8 Q. Did you or any other leaders within the S2  
9 section think about perhaps a derog for the incident or  
10 perhaps temporarily removing Pfc Manning from the SCIF?

11 A. At that point we did not.

12 Q. And can you tell me why not?

13 A. Derogs are -- for that particular incident  
14 it really didn't seem derog worthy. I mean it was --

15 Q. And why not?

16 A. He got upset.

17 Q. Right. What was your understanding of what  
18 happened to say that wasn't derog --

19 A. He got upset and turned the table. To me  
20 it equated to like a temper tantrum.

21 Q. Were you aware whether or not Chief

1 Ehresman had to restrain Pfc Manning?

2 A. He mentioned that he did kind of calm him  
3 down.

4 Q. Were you aware of whether or not Chief  
5 Ehresman actually had to put him in a full nelson to  
6 restrain him?

7 A. That's what he said he did. I wasn't there  
8 for the incident.

9 Q. Were you aware that, whether or not Chief  
10 Ehresman did that because he believed Pfc manning was  
11 going for a weapon?

12 A. That I did not know.

13 Q. Would that change your opinion whether or  
14 not a derog would be appropriate, if Pfc Manning was,  
15 in fact, going for a weapon?

16 A. If that was, in fact, the case, then  
17 possibly.

18 Q. Why possibly?

19 A. It's a little dangerous to go for a weapon,  
20 if that's what, indeed, happened.

21 Q. If that did happen, then would you see a

1 derog as being an appropriate action?

2 A. It's possible, sir.

3 Q. And can you explain to me your thought  
4 process, why it would be possible?

5 A. Well, a derog isn't a function of the 2  
6 necessarily. Derog is a function of the Commander.  
7 The Commander deems a derog necessary. He directs the  
8 S2 to draft a form.

9 Q. Well, then under that logic would you see a  
10 reason to actually inform the Commander to allow the  
11 Commander to decide whether a derog is appropriate?

12 A. Yes, sir.

13 Q. And why?

14 A. It seems like, if you're going to try to go  
15 for that action, it's just not something you want in  
16 your section.

17 Q. And if, in fact, those facts were true,  
18 could you see why maybe temporarily removing Pfc  
19 Manning from the T-SCIF might be a good idea?

20 A. I mean it's a possibility.

21 Q. Would it be a good possibility, a bad

1 possibility or --

2 A. I couldn't say one way or the other, sir.

3 MR. COOMBS: Okay. No further questions.

4 THE COURT: Trial counsel?

5 EXAMINATION BY CAPTAIN OVERGAARD

6 BY CAPTAIN OVERGAARD:

7 Q. You said you were out of the office when  
8 the table flipping occurred?

9 A. Yes, Ma'am.

10 Q. So you don't know what actually happened  
11 during that incident?

12 A. I have no firsthand knowledge of it.

13 Q. And you are actually out of the office  
14 quite a bit, weren't you?

15 A. Yes, Ma'am.

16 Q. Because you are the warrant officer at the  
17 time.

18 A. I usually filled in for most of the  
19 meetings when Sergeant Adkins wasn't around.

20 Q. He also went in garrison went to master  
21 analyst?

1           A.     This is true.

2           Q.     And this chain of command supported that?

3           A.     Yes, Ma'am.

4           Q.     And you succeeded at becoming a warrant  
5 officer at master analyst school?

6           A.     Yes, Ma'am.

7           Q.     When you're deployed, what was primary  
8 mission 210 during the '08, '09-'10 deployment?

9           A.     Shift routine lead.

10          Q.     And you were left alone basically to be the  
11 master analyst?

12          A.     I had some team members.

13          Q.     Well, Master Sergeant Adkins kept soldier  
14 issues more to himself?

15          A.     Yes. I do actually more of the analytic  
16 and work products, quality control and dissemination.  
17 He took more of the administrative.

18          Q.     And Master Sergeant Adkins doesn't have to  
19 report things down through you. He doesn't have to go  
20 back down through you, when he's reporting things?

21          A.     I guess you could say, yes.

1           Q.     But you would expect him to tell you  
2 something, if you need to know it?

3           A.     Yes, Ma'am.

4           Q.     And the email that Mr. Coombs showed you,  
5 you said that you considered that to be a personal  
6 issue?

7           A.     Yes, Ma'am.

8           Q.     So that might require behavioral health,  
9 not necessarily bringing you into the loop?

10          A.     Yes, Ma'am.

11          Q.     And do you remember the date on that email?

12          A.     I do not, Ma'am.

13          Q.     Retrieving Defense Exhibit Quebec, Quebec  
14 Quebec. Handing that to the witness. Could you read  
15 the date to yourself?

16          A.     Okay.

17          Q.     Can you tell what date on the email is?

18          A.     24 April 2010.

19          Q.     Retrieve Defense Exhibit Quebec, Quebec,  
20 Quebec. 24 April 2010?

21          A.     Yes, Ma'am.



1           Q.     This was actually a fourth deployment, the  
2     '09-'10 deployment?

3           A.     Yes, Ma'am.

4           Q.     And '06-'07 with 210, with the S2?

5           A.     Yes, Ma'am.

6           Q.     Master Sergeant Adkins was NCOIC at that  
7     time as well?

8           A.     Yes, Ma'am.

9           Q.     Was the shop running any differently in  
10    '09-'10 than it was in '06-'07?

11          A.     Other than a different area of  
12    responsibility and we had more people in '06-'07. It  
13    was relatively -- it was very similar.

14          Q.     Save less personnel in '09?

15          A.     Yes, Ma'am.

16          Q.     Were the physical security practices at FOB  
17    Hammer in the 2009-2010 deployment any different?

18          A.     No, Ma'am.

19          Q.     You said you were familiar derogs at the  
20    time?

21          A.     Yes, Ma'am.

1           Q.     It was actually rare to do the derog,  
2 wasn't it?

3           A.     Yes, Ma'am.

4           Q.     And you only remember doing one or two?

5           A.     There were very few.

6           Q.     What was the time restraint on that, the  
7 one or two?

8           A.     One was while we were deployed in '06-'07  
9 and one was shortly after we got back, if I'm  
10 remembering right.

11          Q.     Those are for pretty serious --

12          A.     Egregious.

13          Q.     Why do you reserve derogs for egregious  
14 misconduct?

15          A.     Derogs once -- it's primarily once the  
16 clearance is, indeed, pulled, if the Commander does  
17 want to pull the Clearance, and maybe down the line has  
18 second thoughts and says, maybe this was wrong, I'm  
19 going to get the clearance back, it is a very difficult  
20 procedure to bring the clearance back to that soldier.

21          Q.     So there are other avenues you could

1 pursue?

2 A. Yes. Please exercise caution when dealing  
3 with clearance.

4 Q. So you might counsel the soldier or try  
5 some corrective training. There's lots of other  
6 avenues you could pursue?

7 A. Yes, Ma'am.

8 Q. And did you think in the '09-'10  
9 deployment, did you think the SD shop was run well?

10 A. The job was done. What we needed done, got  
11 done.

12 Q. You completed your mission besides you had  
13 some logistical and operational, I guess, challenges?

14 A. Yes, Ma'am.

15 Q. But you completed your mission?

16 A. Yes, Ma'am.

17 Q. You had some personnel shortages?

18 A. Yes, Ma'am.

19 Q. You said it was confusing. That was  
20 apparently because there was change in personnel quite  
21 often?

1           A.     Yes, Ma'am.

2           Q.     But there's always someone that the  
3 soldiers could go to, if they had any questions, the  
4 junior analysts?

5           A.     Yes, Ma'am.

6           Q.     How is Captain Lim at the S2?

7           A.     Captain Lim is a great intelligence  
8 officer.

9           Q.     Would you say he's one of the better  
10 intelligence officers you ever worked with?

11          A.     I would, Ma'am.

12          Q.     And he got the job done?

13          A.     Yes, Ma'am.

14          Q.     He actually did more with less?

15          A.     Yes, Ma'am.

16          Q.     Was it common to go, for people to go to  
17 mental health during the '09-'10 deployment?

18          A.     I don't know the degree, but it had become  
19 more common army wide.

20          Q.     It's more acceptable now or at least then  
21 than it used to be?

1           A.     Yes, Ma'am.

2           Q.     What happened specifically with 35 Fox,  
3 when they lose their clearance from a derog and do not  
4 get it back?

5           A.     I couldn't tell you. I would assume they  
6 are reassigned to a job that doesn't require a  
7 clearance or could possibly be discharged from the  
8 military.

9           Q.     Because you are required to have a  
10 clearance as a 35 --

11          A.     Yes, Ma'am.

12          Q.     So you can't do your job as a 35 Fox  
13 without a clearance?

14          A.     That's correct.

15                 CAPTAIN OVERGAARD: No further questions.

16                 THE COURT: Redirect?

17                 MR. COOMBS: Your Honor.

18                         EXAMINATION BY MR. COOMBS

19 BY MR. COOMBS:

20          Q.     Is your understanding of a derog that that  
21 would automatically a person loses their clearance?

1           A.     It's not, sir. It's dependent on the  
2 commander, there's a section commander recommends  
3 course of action.

4           Q.     One of those courses of action is the  
5 temporary suspension?

6           A.     Yes, that is one, sir.

7           Q.     You indicated that you were familiar with  
8 other derogs being filed for egregious conduct?

9           A.     Yes, sir.

10          Q.     Do you recall what those egregious conducts  
11 were?

12          A.     Without going into too much detail on what  
13 the soldier did --

14          Q.     You don't have to say the soldier's name,  
15 but what are we talking about; DUI -- are we talking  
16 about -- what is the issue?

17          A.     One was improper relations with a member of  
18 a foreign military. Maybe the other was extreme  
19 alcohol abuse.

20          Q.     All right. So the egregious thing we are  
21 talking about is an improper relationship and perhaps a

1 problem with alcohol?

2 A. Yes, sir.

3 MR. COOMBS: Thank you.

4 EXAMINATION BY CAPTAIN OVERGAARD

5 BY CAPTAIN OVERGAARD:

6 Q. It was an egregious relationship with a  
7 foreign national that was the concern, right?

8 A. Yes. That individual was also a member of  
9 that military.

10 CAPTAIN OVERGAARD: Thank you.

11 THE COURT: All right. Chief Balonek, you  
12 are temporarily excused. Once again, please don't  
13 discuss your testimony, your knowledge of the case with  
14 anyone other than counsel or the accused while the  
15 trial is still going on.

16 (Witness Excused.)

17 THE COURT: Are you ready to proceed with  
18 the next witness or do you want a brief recess?

19 MR. COOMBS: I would like to take a  
20 15-minute recess. I need to set up a few things for  
21 the next witness.

1                   THE COURT: Any objection? Court is in  
2 recess until 11:15.

3                   (Brief Recess)

4                   THE COURT: Court is called to order. Let  
5 the record all parties present when the Court last  
6 recessed are not present. Major Fein, account for the  
7 parties, please.

8                   MR. FEIN: Yes, Ma'am. Captain von Elten  
9 is absent. Captain Morrow is present. Otherwise, all  
10 parties are present.

11                  THE COURT: Mr. Coombs.

12                  MR. COOMBS: Yes, Your Honor. The Defense  
13 calls Mr. Paul Adkins.  
14 Whereupon,

15                                 PAUL ADKINS,  
16 called as a witness, having been first duly sworn to  
17 tell the truth, the whole truth, and nothing but the  
18 truth, was examined and testified as follows:

19                                 EXAMINATION BY MR. COOMBS

20 BY MR. COOMBS:

21                 Q.     Mr. Adkins, I remind you that you are under



1 oath.

2 A. Yes, sir.

3 Q. Handing you what has been marked as Romeo,  
4 Romeo, Romeo for identification. Please, if you would,  
5 just take a look at that. Flip both pages. When  
6 you're done looking at that, just look up at me.

7 A. Okay, sir.

8 Q. Really what I'm asking is whether or not  
9 you recognize it. You don't need to read the whole  
10 thing, if you recognize it?

11 A. I recognize the signature. I don't  
12 100 percent recognize the writing the statement, but  
13 it's my signature, sir.

14 Q. Looking at this now, then you recognize who  
15 this counseling is for?

16 A. Yes. It's for me.

17 Q. Who is counseling you?

18 A. Captain Lim.

19 Q. And do you recall why he was counseling  
20 you?

21 A. Yes.

1 Q. Why was he counseling you?

2 A. Because I didn't bring to his attention an  
3 email that Pfc Manning sent me earlier on.

4 Q. Retrieving Defense Exhibit RRR for  
5 identification and handing the witness Defense QQQ for  
6 identification.

7 Again, you don't need to read the Defense  
8 Exhibit. I want you to glance at it and when you're  
9 doing looking at it, just look up at me.

10 (Pause)

11 A. Yes, sir.

12 Q. Do you recognize Defense Exhibit QQQ for  
13 identification?

14 A. Yes, sir.

15 Q. And how do you recognize it?

16 A. It's an email sent to me, sir. And that I  
17 sent to Captain Lim.

18 Q. Whom did you receive this email from?

19 A. Pfc Manning.

20 Q. And when did you receive the email?

21 A. 24 April, sir.

1           Q.     And when did you inform Captain Lim about  
2 Pfc Manning's email?

3           A.     3 June, sir.

4           Q.     Let's talk about the email you received.  
5 What was the subject line of the email?

6           A.     "My problem", sir.

7           Q.     That was the subject line, "my problem"?

8           A.     Yes, sir.

9           Q.     And did you read the email when you  
10 received it?

11          A.     I was more concentrating on the photo.

12          Q.     We'll talk about the photo in a moment.  
13 Did you read the content of the email?

14          A.     I'm pretty sure I did, sir.

15          Q.     And you indicated there was a photo. There  
16 was a photo attached to the email?

17          A.     Yes, sir.

18          Q.     And did you look at that photo?

19          A.     Yes.

20          Q.     And do you see that photo within Defense  
21 QQQ for identification?

1           A.     Yes, sir.

2           Q.     Retrieving Defense Exhibit QQQ for  
3     identification and offer it into evidence as Defense  
4     Exhibit QQQ.

5           THE COURT:   Any objection?

6           CAPTAIN OVERGAARD:   No objection.

7           THE COURT:   QQQ is admitted.

8           MR. COOMBS:   Permission to publish, Ma'am?

9           THE COURT:   Proceed.

10       BY MR. COOMBS:

11           Q.     What I'm going to do, I'm also going to  
12     hand you a copy of the same exhibit just so you have a  
13     copy in front of you so you can see it clearly.

14                     Let's discuss this email.   You indicate  
15     that Pfc Manning sent this email to you on 24 April.  
16     Is that correct?

17           A.     Yes, sir.

18           Q.     And when he indicated "my problem", did you  
19     understand from the subject line what he was referring  
20     to?

21           A.     Not necessarily, no.

1           Q.     And then you indicated that apparently you  
2     looked at the photo, but you believed you read the  
3     email as well?

4           A.     Yeah, I believe so, sir.

5           Q.     And let's talk about the photograph real  
6     fast.

7           A.     Okay.

8           Q.     Turn to the page. Is this the photograph  
9     that you received?

10          A.     Yes, sir.

11          Q.     And did you recognize who was in the  
12     photograph?

13          A.     Yes, sir.

14          Q.     And who did you recognize that to be?

15          A.     Pfc Manning, sir.

16          Q.     And what did you recognize him to be  
17     wearing at the time?

18          A.     A wig and like makeup or something like  
19     that, sir.

20          Q.     Would you agree he's dressed as a female?

21          A.     Yes, sir.

1           Q.     All right. So let's go back now to the  
2 email. Now having seen the photograph, what were your  
3 initial thoughts when you just looked at the  
4 photograph?

5           A.     I don't honestly remember my thoughts.  
6 What I remember was the need to talk to him and find  
7 out why he had sent the email or things along those  
8 lines, sir.

9           Q.     All right. How did you then after seeing  
10 the photograph interpret the "my problem" email?

11          A.     I wrote on it to speak with him directly,  
12 when I received the email. So I wasn't 100 percent  
13 sure how I would interpret it. Reading it now I have  
14 an interpretation, but then I think I really just  
15 wanted to talk to Pfc Manning.

16          Q.     So based on your memory now you believe at  
17 the time you really weren't interpreting the email you,  
18 just realized you needed to speak to Pfc Manning?

19          A.     That's correct.

20          Q.     Now you eventually shared this email with  
21 your immediate supervisor Captain Lim. Is that

1 correct?

2 A. Yes, sir.

3 Q. When did you send the email to Captain Lim?

4 A. 3 June, sir.

5 Q. Why did you wait until 3 June to inform  
6 your commander about this email, or S2 about this  
7 email?

8 A. I was concerned initially when I received  
9 the email that had I forwarded it to the S2 or whoever,  
10 that it would be disseminated among the brigade staff  
11 or HHC or something like that. And I really didn't  
12 think at the time that having a picture floating around  
13 of one of my soldiers in drag was in the best interests  
14 of the mission, the intel mission, sir.

15 Q. Retrieving a copy of Defense Exhibit Romeo,  
16 Romeo, Romeo for identification again. Let's go back  
17 to Defense Exhibit Romeo, Romeo, Romeo for  
18 identification.

19 This was the written counseling by Captain  
20 Lim to you?

21 A. Yes, sir.

1 Q. Captain Lim was your immediate supervisor?

2 A. Yes, sir.

3 Q. And this was a negative counseling?

4 A. Yes, sir.

5 Q. And this counseling was based upon your  
6 delay of reporting the "my problem" email to Captain  
7 Lim?

8 A. Yes, sir.

9 MR. COOMBS: Your Honor, the Defense moves  
10 into evidence Defense Exhibit Romeo, Romeo, Romeo for  
11 identification as Defense Exhibit Romeo, Romeo, Romeo.

12 THE COURT: Any objection?

13 CAPTAIN OVERGAARD: No, Ma'am.

14 THE COURT: Defense Exhibit Romeo, Romeo,  
15 Romeo is admitted. Proceed.

16 BY MR. COOMBS:

17 Q. A little harder to read. I'm going to give  
18 you a copy.

19 I would like to go through the counseling  
20 statement with you. I'm handing you a copy of the  
21 exhibit.



1                   Did Captain Lim inform you of what you  
2                   should have done after receiving this email in his  
3                   counseling statement of you?

4                   A.       I'm sure he did. I mean, yes, I'm sure he  
5                   did; yes, sir.

6                   Q.       And did he tell you that you should have  
7                   immediately reported this to him?

8                   A.       Yes, sir.

9                   Q.       And why didn't you report it to him  
10                  immediately?

11                  A.       As I said, I thought at the time that it  
12                  was something that was being handled by his therapist  
13                  and had I forwarded it, I was concerned that the photo  
14                  would be disseminated among the staff.

15                  Q.       Well, did Captain Lim tell you that Pfc  
16                  Manning should have been immediately removed from the  
17                  T-SCIF based upon this email?

18                  A.       Can you give me a minute to read the entire  
19                  thing?

20                  Q.       Sure.

21                           (Pause)

1 THE WITNESS: Yes, he did say that.

2 BY MR. COOMBS:

3 Q. I just want to make sure, as I ask these  
4 questions, if you don't recall it, you can say I don't  
5 recall. Do you recall him telling you that Pfc Manning  
6 should have been immediately removed from the T-SCIF?

7 A. I mean I don't recall him saying that. As  
8 I said, it states this in the counselor 4856, but I  
9 don't recall him stating that.

10 Q. Do you recall Captain Lim informing you  
11 that Pfc Manning should have had his clearance derogged  
12 immediately?

13 A. I don't recall him stating that.

14 Q. Is that in the counseling statement?

15 A. Could you repeat the question, please, sir.

16 Q. In the counseling statement do you see  
17 where Captain Lim says, upon receipt of this email, he  
18 should have immediately been informed -- he should have  
19 been immediately removed from the SCIF and his  
20 clearance derogged.

21 A. Yes, I see that.

1           Q.     Followed by a recommendation of commander  
2 referral for behavioral health?

3           A.     Yes.

4           Q.     But you don't recall that?

5           A.     I mean I don't recall it, but what I'll say  
6 is, during the course of the counseling session, seeing  
7 that I did sign it, that I can safely assume that this  
8 is what Captain Lim and I discussed, sir.

9           Q.     And why didn't you immediately inform the  
10 command of a potential derog for Pfc Manning based upon  
11 this email?

12          A.     I felt throughout the deployment that  
13 Manning's presence as an analyst was important to the  
14 mission. And my intent was to make sure, if I could  
15 possibly do it, that he could maintain his  
16 functionality as an intelligence analyst.

17                   I don't remember exactly why I didn't  
18 recommend the clearance be removed specifically. But  
19 the intent in regards to him staying in the SCIF was, I  
20 felt that his presence and his -- what he provided to  
21 us as an intelligence section was important enough to

1 retain him.

2 Q. Do you feel that that was your decision to  
3 make -- do you feel you, as the master sergeant, could  
4 make that decision or did you feel that that was a  
5 command decision?

6 A. It was a command decision.

7 Q. So why didn't you inform the command?

8 A. We had a command referred fit for duty  
9 evaluation prior to this email, I believe. And he was  
10 found to be fit for duty.

11 Q. Not my question, Mr. Adkins. My question  
12 was, you felt it was a command decision. Why didn't  
13 you inform the command of this email?

14 A. I don't know why, sir.

15 Q. Now in this counseling statement Captain  
16 Lim references a memorandum of record that you wrote on  
17 26 April 2010, correct?

18 A. Yes.

19 THE COURT: What was that question?

20 BY MR. COOMBS:

21 Q. In the counseling statement Captain Lim

1 references a memorandum that Master Sergeant Adkins  
2 wrote on 26 April 2010?

3 THE WITNESS: That's correct.

4 BY MR. COOMBS:

5 Q. You actually wrote three memorandum for  
6 record concerning Pfc Manning. Is that correct?

7 A. Yes, sir.

8 Q. And obviously Captain Lim must have been  
9 aware of the 26 April 2010. At the time of the  
10 counseling did you share all three counseling  
11 statements with Captain Lim, or MFRs with Captain Lim  
12 at the time of this counseling statement?

13 A. I don't remember if I shared them at that  
14 time. What I think I normally would have done, when  
15 Captain Lim assumed the S2 position, I may have showed  
16 him at that time, but I don't recall that I did. And I  
17 can't say for certain during this counseling session  
18 that I provided those MFRs to him.

19 MR. COOMBS: Retrieving a copy of the  
20 Defense Exhibit -- returning Defense Exhibit and  
21 Defense Exhibit QQQ for the record.

1                   I'm handing the witness Defense Exhibit XX.  
2   XX is a Memorandum For Record that you wrote on 21  
3   December 2009?

4           A.     Yes, sir.

5   BY MR. COOMBS:

6           Q.     Do you see your signature on that  
7   Memorandum for Record?

8           A.     Yes, sir.

9           Q.     Why did you write this Memorandum for  
10   Record?

11          A.     I wrote it to ensure that Pfc Manning's  
12   therapist was receiving additional information in  
13   regards to his behavior.

14          Q.     How did you know the information that's  
15   contained within the Memorandum for Record?

16          A.     Either witnessed it or it was told to me.

17          Q.     Did you share this Memorandum for Record  
18   with your chain of command at the time you wrote it?

19          A.     I don't recall if I did. I imagine -- I  
20   can't say for certain. I believe that I did share it  
21   with the S2, but I can't be 100 percent certain.

1           Q.     If you shared it with S2, that would have  
2     been Major Clausen?

3           A.     On 21 December, I believe so, yes.

4           MR. COOMBS:   Retrieving Defense Exhibit XX  
5     from the witness.   Permission to publish, Ma'am.

6           THE COURT:   Proceed.

7     BY MR. COOMBS:

8           Q.     We are going to go through a few of the  
9     paragraphs in this memorandum.   Let's look at Paragraph  
10    1.

11           In Paragraph 1 you indicate you discussed  
12    what you believed to be instances of mental instability  
13    by then Specialist Manning.

14           Why did you believe Pfc Manning, his  
15    instability seemed to heighten since November 2009?  
16    You see where you say that?

17           A.     Are you asking --

18           Q.     I'm asking why did you believe that his  
19    instability, to the extent that you believe he had  
20    some, seemed to heighten since November 2009?

21           A.     I don't know if I stated specifically in

1 the memorandum, but looking back I think I would have  
2 presumed it was due to the increased stress of  
3 deployment or something like that, sir.

4 Q. If you had that belief that you believed he  
5 was showing instances of mental instability, and that  
6 was heightening since 2009, why didn't you remove Pfc  
7 Manning from the SCIF?

8 A. Because, one, I was getting him therapy at  
9 combat stress; two, we needed analysts to assess the  
10 threat and I wanted to make sure that we had enough  
11 soldiers to conduct our mission.

12 Q. Look at Paragraph 2. Paragraph 2 you  
13 discuss an incident involving then Specialist Manning  
14 that occurred in the either June or July 2009  
15 timeframe.

16 Do you recall that incident that you  
17 reference in Paragraph 2?

18 A. Yes, sir.

19 Q. What do you recall about that incident?

20 A. What was written here, that he was being  
21 counseled for, verbally counseled for missing formation



1 and he started screaming and then he calmed down. And  
2 we talked about him going to seek behavior health.

3 Q. And when you say "started screaming", what  
4 do you recall happening?

5 A. He started to be tensed up and clenched his  
6 fist. And just -- I mean it was like two or three  
7 yells or something like that. And then he stopped.

8 Q. Where was this at?

9 A. This was behind the company -- near our PT  
10 formation.

11 Q. And I take it you were present?

12 A. Yes, sir.

13 Q. Who else was present?

14 A. Specialist Showman.

15 Q. Did anyone else see the incident?

16 A. I can't recall.

17 Q. Based upon this incident, did you inform  
18 the S2 at the time, Major Clausen, about it?

19 A. I may have. I don't -- I don't recall  
20 speaking with him directly about it. But I feel  
21 confident that I discussed all personnel issues with

1 the S2 pretty much on a daily basis. So this certainly  
2 would have been something I think I would have  
3 discussed with him.

4 Q. If you discussed it with him, did you also  
5 report the incident to your company commander or your  
6 first sergeant?

7 A. I don't recall if I discussed it with them  
8 or not.

9 Q. In Paragraph 3 you state that you decided  
10 to deploy Pfc Manning given manpower issues?

11 A. Yes, sir.

12 Q. What manpower issues did you have?

13 A. We were a little short I believe on the  
14 intel. And additionally, we had another soldier who  
15 had recently had a heart attack, who was staying behind  
16 as rear gate. And so I did not assess that we could  
17 get away with having two soldiers on rear D.  
18 Especially with, you know, like a non-physical health  
19 issue. So that was the reason.

20 Q. Did you feel pressure to deploy Pfc  
21 Manning?

1           A.       I would say there was not necessarily  
2       direct but more of an indirect pressure knowing how --  
3       how the unit wanted to make sure that everyone who  
4       could possibly deploy would deploy.

5                       So I would say there was indirect pressure  
6       of making sure that anyone who could physically deploy  
7       was deployed. I would say that that was pressure.  
8       Also, I understood, at least I recall knowing that I  
9       had seen the manning roster of the unit that we were  
10      replacing and knowing that we had other manpower  
11      allocations that would be taken from our shop.

12                    I felt the need to deploy him. And I mean  
13      I have some -- in a perfect world I think if I could  
14      have left him back to make sure that he was getting  
15      behavioral healthcare on a consistent basis, I would  
16      have.

17                    But I also felt that his issue would not  
18      have warranted him remaining CONAS, when we already had  
19      another soldier who was remaining there because of  
20      health issues, sir.

21           Q.       Did you discuss this issue and your

1 concerns with the company commander?

2 A. I don't know if I did. I know I discussed  
3 it with the S2, but I don't know -- I don't recall if I  
4 discussed it with the first sergeant or the commander.

5 Q. And you would agree with me that decision  
6 who deploys is a command decision?

7 A. Yeah, it is.

8 Q. And you indicated that you might have  
9 spoken with the S2 Major Clausen about --

10 A. No. I might have spoken with the company  
11 commander or the first sergeant. But, again, I feel  
12 confident that I kept Major Clausen and Captain Lim and  
13 whomever my S2 was, I kept them, I think pretty much  
14 fully informed on personnel issues of any of our  
15 soldiers. So I feel confident that we discussed it.

16 Q. All right. Just so I understand your  
17 testimony then. You're confident that you would have  
18 discussed your concerns with the S2, Major Clausen?

19 A. That's correct.

20 Q. And you might have discussed your concerns  
21 with first sergeant or company commander?

1           A.     I may have. I just don't recall that  
2 conversation, sir.

3           Q.     All right. So Paragraph 5. Paragraph 5  
4 you indicate that you had an incident involving Pfc  
5 Manning losing his room key. Was this during the  
6 deployment?

7           A.     Yes, sir.

8           Q.     And you were counseling him on this issue  
9 apparently?

10          A.     Yeah, I was counseling him because it was,  
11 the counseling form was a prerequisite for a soldier  
12 who lost his key to be reissued a room key.

13          Q.     Why were you counseling him as opposed to  
14 maybe his immediate supervisor?

15          A.     I don't remember the specifics of the  
16 counseling session. I don't remember -- I know  
17 obviously who was in the room, but I was present. I  
18 don't know if his first line supervisor was there. So  
19 I don't recall all the specifics of the session. I  
20 don't recall writing up the 4856. I think that's  
21 something that normally I would have left to the first

1 line supervisor. But apparently I was there at the  
2 session.

3 Q. So sitting here today, do you recall when  
4 you wrote in here that during the counseling session  
5 that Specialist Manning shoved a chair and began to  
6 yell and that you took him outside to calm him down?

7 A. I mean I remember the incident vaguely. In  
8 this writing -- reading this I don't necessarily  
9 recollect the incident any better. But I do vaguely  
10 remember that, sir, yes.

11 Q. All right. Let's look at Paragraph 6.  
12 When did you find out about the 20 December 2009  
13 counseling session between Specialist Padgett and Pfc  
14 Manning?

15 A. Probably the next morning. I'm not sure if  
16 it was the 20th or 21st, when I came in, whenever that  
17 was.

18 Q. What were you told happened?

19 A. Pretty much what's written here, that there  
20 was a counseling session regarding punctuality, and he  
21 began yelling and flipping a chair and someone had to

1     restrain him.

2             Q.     Do you know why a soldier had to restrain  
3     him?

4             A.     Because he was like flipping furniture.

5             Q.     Were you ever informed that the soldier  
6     that restrained him believed that Pfc Manning might  
7     have been going for a weapon?

8             A.     What I had been told was, and this is just  
9     what I recall, was that during the incident Pfc Manning  
10    was like throwing -- I know he threw the table, and  
11    what I recall is, Pfc Manning turned towards the  
12    weapons rack.

13                 Because it, from what I recall the  
14    soldiers, it looked like he wanted to break something.  
15    Looked like he wanted to throw something. And he  
16    turned to the weapons rack, at least this was how it  
17    was described to me, and then turned away as if there's  
18    nothing there that I want to break.

19                 So I was under the impression that he was  
20    not going for a weapon, but just something physical to  
21    break. That was my impression after I discussed it

1 with, I believe it was Mr. Ehresman and Sergeant  
2 Padgett.

3 Q. You state in Paragraph 6 that you removed  
4 the bullet from Pfc Manning's weapon. Why did you do  
5 that?

6 A. I wasn't 100 percent sure of his stability  
7 and I wanted to send him a message that behavior like  
8 that, you know, was not -- not acceptable.

9 Q. Did you alert the command to this incident?

10 A. I don't know if I did or not. I know at  
11 some point I talked with the first sergeant and the  
12 commander, but I don't recall when I did during the  
13 deployment, sir.

14 Q. After this incident why didn't you remove  
15 Pfc Manning from the SCIF?

16 A. I still felt that with therapy, and I still  
17 felt that he was providing valuable information and  
18 intelligence in regards to the threat he was assigned  
19 to analyze, sir.

20 Q. Apparently you didn't feel the need to do  
21 derog either?



1           A.     I did not do a derog, no.

2           Q.     Did you feel the need to notify the command  
3 to have them initiate a derog?

4           A.     Again, I don't remember when I spoke with  
5 the command in regards to Pfc Manning. So I can't say  
6 exactly. But no derog was initiated, correct.

7           Q.     Let's look at Paragraph 7. Paragraph 7 you  
8 reference several in-depth conversations with Pfc  
9 Manning. How many did you have?

10          A.     I don't remember exactly. And I don't know  
11 when I had them, but probably at least, I mean several  
12 would imply at least three, sir.

13          Q.     Do you recall what you talked about?

14          A.     Not exactly. I think one of the  
15 discussions had to do with a package that he got sent  
16 from home. I think it was earlier referenced in the  
17 memorandum. And how he had some family problems and  
18 wouldn't open the present that he received from home.

19                 So the in-depth conversations I don't know  
20 exactly when they occurred, if they occurred before and  
21 during the deployment or not. So -- and I can't put an

1 exact number on it.

2 Q. Was anyone else present during these  
3 conversations that you had with Pfc Manning?

4 A. Probably not. I'm not sure. I don't think  
5 so.

6 Q. You state in Paragraph 7, these are your  
7 words, that you assess he, he being Pfc Manning, is  
8 salvageable, if he receives and actively participates  
9 in extensive psychological therapy immediately?

10 A. Uh-huh.

11 Q. At least once to twice a week on an  
12 indefinite basis.

13 A. Yes, sir.

14 Q. Based upon your assessment why did you feel  
15 that he needed extensive psychiatric therapy at that  
16 time?

17 A. Just based on my discussions with him,  
18 based on -- I mean based on my discussions I thought  
19 that he was willing to conduct the missions that were  
20 required of him. He was willing to receive therapy,  
21 again based on my discussions, and I don't recall

1 exactly all the specifics or really any of the  
2 specifics, or very few of them.

3 But based on my hope or faith in therapy,  
4 based on my impression that he wanted to conduct the  
5 mission and based on the fact that I felt that losing  
6 him would be a detriment to our intelligence mission.

7 I think I lost track of your question, sir.

8 Q. You indicate that coupled with that  
9 apparently therapy that you believed he needed he also  
10 needed responsive psychiatric evaluations, medication  
11 and follow-up adjustments on dosages. And then you go  
12 on to diagnose him as suffering from acute  
13 posttraumatic stress disorder.

14 Do you have any medical training or mental  
15 health training?

16 A. No.

17 Q. Why would you make, I guess, apparently  
18 these diagnoses?

19 A. I have known people in the past who have  
20 suffered what was diagnosed as a PTSD from development  
21 from the domestic instances. The reason I wrote this,

1 I mean obviously I'm not a psychiatrist or  
2 psychologist, but what I wanted to give the doctor --  
3 and, again, based on my limited knowledge, what I  
4 wanted to give the doctor was just a, I guess a, a good  
5 handle for what I was observing. And based on that and  
6 the doctor's therapy sessions, therapeutic sessions he  
7 would have a better idea of what was going on.

8 So the intent of this and all Memorandums  
9 for Record was to augment the doctors or the  
10 therapists' understanding of Pfc Manning. I mean  
11 obviously I had no training. It was just a layman's  
12 observation based on his behavior, sir.

13 Q. You also indicate in that paragraph that  
14 you believed he was extremely guarded concerning  
15 certain aspects of his private life. Why did you  
16 believe that?

17 A. Is that in Paragraph 7, sir?

18 Q. Paragraph 8.

19 A. Okay. Hold on. Can you please repeat the  
20 question, sir.

21 Q. I just wanted to know why you believed he,

1 he being Pfc Manning, was extremely guarded concerning  
2 certain aspects of his private life and apparently  
3 compartmentalized what information he would and would  
4 not share with others.

5 What made you come to that conclusion?

6 A. Probably because he said it. I don't  
7 recall exactly whether -- I know he told me that he  
8 didn't trust therapists, but regarding his private life  
9 I would presume that he must have said it, but I don't  
10 recall what he said or when he said it or if there had  
11 been some other reason I had come to that conclusion,  
12 sir.

13 Q. Hand the witness what would be marked  
14 Defense Exhibit Mike, Mike, Mike for identification.  
15 Just take a look at that. When you're done, just look  
16 up at me.

17 A. Yes, sir.

18 (Pause)

19 Q. You wrote this on 26 April 2010?

20 A. Yes, sir.

21 Q. Do you see your signature on the MFR?

1           A.     Yes, sir.

2           Q.     Why did you write this MFR?

3           A.     It was an additional memorandum for his  
4 therapist, sir.

5           Q.     Has this memorandum changed in any way  
6 since you wrote it?

7           A.     Could you please rephrase, sir.

8           Q.     Does it look in the same condition as it  
9 did at the time that you put your signature on it?

10          A.     I guess, sir. I haven't seen it in quite a  
11 while.

12          Q.     Any reason to doubt that's the memorandum  
13 that you signed?

14          A.     I don't think so, sir.

15          Q.     Retrieving Defense Exhibit Mike, Mike, Mike  
16 for identification and offering it into evidence.

17                 THE COURT: Is there any objection?

18                 CAPTAIN OVERGAARD: No objection.

19                 MR. COOMBS: Permission to publish, Ma'am.

20                 THE COURT: Proceed.

21 BY MR. COOMBS:

1           Q.     In Paragraph 1 you note what you termed  
2 continued instances of mental instability in Pfc  
3 Manning.

4                     Why did you believe there were continued  
5 instances of mental instability?

6           A.     Why did I believe there were continued  
7 incidents? Is that your question, sir?

8           Q.     It is my question.

9           A.     I guess because they are still going on  
10 from December or August or whatever, sir.

11          Q.     Well, you also state in that paragraph that  
12 events have reemerged and intensified over a period of  
13 two weeks. What time period are you referring to?

14          A.     I don't recall, sir. I mean I'm not sure  
15 what I was referring to at the time.

16          Q.     You also in that paragraph, according to  
17 you, you believe there were frequent catatonic periods  
18 of claims disassociation. What made you believe that?

19          A.     The catatonic incidents, if I recall  
20 correctly, occurred like during the shift change for  
21 his briefing and he would seem to freeze during the

1     brief and not be able to continue with his, with  
2     speaking.

3                     And as far as claims of disassociation, if  
4     I recall correctly, he spoke to me and stated sometimes  
5     he would like lose track of time or something like  
6     that. So the catatonic periods I witnessed during  
7     shift changes, the dissociative periods he claimed he  
8     endured to me.

9             Q.     Did you speak with anyone in the chain of  
10    command about your observations and concerns with  
11    regards to catatonic periods and claims of  
12    disassociation?

13            A.     I'm certain that I did. I don't know when  
14    I spoke with the company commander in regards to his  
15    fit for duty evaluation. I believe I shared these  
16    memorandums with the S2. I don't know if I shared them  
17    with my company commander or first sergeant or not.

18            Q.     If you truly believed that, if that were  
19    your opinion, why would you allow Pfc Manning to remain  
20    in the SCIF, if you really believed that he was having  
21    frequent catatonic periods and claims of



1     disassociation?

2             A.     I was concerned that if we removed Pfc  
3     Manning -- first of all, we still had people going on  
4     wire, still had people doing missions, and if I recall  
5     correctly, the biggest threat to our soldiers and to  
6     our operational environment emerged from the Shia  
7     insurgent groups, which Pfc Manning helped analyze and  
8     helped assess.

9             Had -- again, I felt that his therapy would  
10    eventually bear fruit, I certainly hoped that would be  
11    the case. And knowing that, if I removed him, I would  
12    essentially, in large part, eliminate the fusion  
13    portion of fusion analysis for the Shia insurgency. I  
14    felt that he was still producing products that were  
15    allowing us to neutralize the Shia threat.

16            Q.     Paragraph 5 you state, you're unsure at  
17    this time if he presents a threat to himself,  
18    (inaudible) currently in my estimation instability  
19    constant source of concern, however, due to his  
20    inherently fluid nature.

21            A.     Yes, sir.

1           Q.     Believing that why wouldn't you at that  
2 point remove him from the SCIF?

3           A.     Again, his products were satisfactory.  
4 There was still a threat. And removing him would have  
5 taken my second Shia analyst, who was on days with  
6 Mr. Balonek, over to nights. And essentially would  
7 have, in my estimation, reduced our abilities to  
8 analyze and assess the biggest threat by a third. So  
9 that was probably my reasoning, sir.

10          Q.     What do you mean when you say his  
11 instability is a constant source of concern; however,  
12 due to its inherently fluid nature. What does that  
13 mean?

14          A.     I think it had to do with his erratic  
15 behavior maybe. I can't 100 percent say now what I  
16 meant, but it likely had to do with his behavior being  
17 erratic, sir.

18          Q.     All right. Let's look at Paragraph 8. All  
19 right. Looking at Paragraph 8. Just read that to  
20 yourself. When you're done, let me know.

21                   (Pause)

1           A.     Okay, sir.

2           Q.     What did you mean -- what did you base your  
3 opinion when you say, Pfc Manning's conduct was  
4 systematic of a deeper medical condition unknown at  
5 this time?

6           A.     What I meant was, there's something wrong  
7 that's been identified that it happened, at least this  
8 is what I think, there's something wrong with him that  
9 I wanted the doctor to understand that there may be  
10 something a little bit more in-depth going on than  
11 maybe some garden variety stress or something like  
12 that, sir.

13          Q.     Well, you reference in Paragraph 9 the "my  
14 problem" email that you received, correct?

15          A.     Yes, sir.

16          Q.     So why didn't you discuss the content of  
17 the email and perhaps that was the deeper medical  
18 condition?

19          A.     Can you go down, please, to the bottom of  
20 the signature block. I don't recall -- can you go all  
21 the way. Okay. Thanks.

1 I don't recall at the time whether I  
2 provided that email to the doctor or not.

3 Q. But my question is, why wouldn't you say to  
4 the doctor that the deeper medical condition appears to  
5 be based upon "my problem" email something he's been  
6 struggling with his entire life. Why wouldn't you  
7 reference that to the doctor?

8 A. I don't know, sir. I mean I really was --  
9 the intent of the memorandum was to give him, the  
10 doctor an idea what was going on. I may have omitted  
11 that. I may have given the doctor the emails. I don't  
12 recall. So I can't answer that at this point, sir, I  
13 don't know.

14 Q. Based upon the counseling statement we know  
15 that you don't reference the "my problem" email with  
16 Captain Lim at this time, correct?

17 A. That's right, yes.

18 Q. Did you reference this memorandum with  
19 Captain Lim at that time?

20 A. I don't know. I thought I would have, but  
21 I can't recall exactly, sir.

1           Q.     Did you reference this memorandum with your  
2 first sergeant or company commander?

3           A.     I, again, I may have, but I don't recall  
4 exactly, sir.

5           Q.     Hand the witness what would be marked as  
6 Defense Exhibit NNN for identification. Defense  
7 Exhibit NNN. Take a moment to thumb through those two  
8 pages. When you're done, look up at me.

9                     (Pause)

10          A.     Okay.

11          Q.     You wrote this 8 May 2010?

12          A.     Yes, sir.

13          Q.     Do you see your signature on this  
14 Memorandum for Record?

15          A.     Yes, sir.

16          Q.     And why did you write this Memorandum for  
17 Record?

18          A.     Again, just to inform his therapist of  
19 recent instances of behavior.

20          Q.     Has this memorandum changed in any way  
21 since you put your signature on it?

1           A.     Again, I haven't seen it in a while, but I  
2     assume it's the same, sir.

3           Q.     Any reason to doubt that?

4           A.     Not that I know.

5                   MR. COOMBS: Your Honor, the Defense moves  
6     into evidence Defense Exhibit NNN for identification as  
7     Defense Exhibit NNN.

8                   THE COURT: Any objection?

9                   CAPTAIN OVERGAARD: No, Ma'am.

10                  THE COURT: NNN is admitted.

11                  MR. FEIN: Permission to publish.

12                  THE COURT: Proceed.

13     BY MR. COOMBS:

14           Q.     Let's talk about Paragraph 2. Paragraph 2  
15     you write about finding Pfc Manning sitting on the  
16     floor in the storage room. Is that correct?

17           A.     Yes, sir.

18           Q.     And where was the storage room?

19           A.     It was in the T-SCIF.

20           Q.     How far away from the workstation, say, was  
21     the storage room from Pfc Manning's workstation?

1           A.     Could you repeat the question, please.

2           Q.     Yes.   How far away from Pfc Manning's  
3 workstation was the storage room?

4           A.     20 feet, something like that.

5           Q.     And how did you find out that Pfc Manning  
6 was in the storage room sitting on the floor?

7           A.     Someone told me that he was.

8           Q.     And when they told you that, what did you  
9 do?

10          A.     I went in and checked on him.

11          Q.     When you walked in, what did you see?

12          A.     He was sitting on the floor in a fetal  
13 position.

14          Q.     What do you mean by "fetal position"?

15          A.     If I recall correctly, he was seated on the  
16 floor with like his knees tucked up.   And I can't  
17 remember if his arms were round his legs or not.  
18 Something like that.

19          Q.     You mean his knees tucked up to his check?

20          A.     Yes, sir.

21          Q.     What was Pfc Manning doing, when you walked

1 in?

2 A. It says here that I had noticed he was  
3 clutching his head as though he was in pain.

4 Q. Did you speak to him at the moment you  
5 walked in?

6 A. I'm sure I did. I don't recall what I  
7 said. It was probably something along the lines of --  
8 are you all right, or something like that.

9 Q. And did Pfc Manning immediately respond to  
10 you?

11 A. Eventually, yes. In Paragraph 4 it shows  
12 that he responded.

13 Q. Did he immediately respond to you?

14 A. No.

15 Q. And you write about seeing a Gerber knife  
16 at Pfc Manning's feet. Is that correct?

17 A. Yes, sir.

18 Q. And how large was that knife?

19 A. It's usually about, I don't know, two-inch  
20 blade or something like that, three inches.

21 Q. Was the knife opened; was the blade



1 visible?

2 A. Yes, sir.

3 Q. Was Pfc Manning holding the knife or was it  
4 on the floor, when you walked in?

5 A. When I walked in, I'm not sure, but when I  
6 observed it, it was at his feet. So I assume he was  
7 not holding it based on what I wrote.

8 Q. And you noted in the memorandum that he had  
9 carved the words "I want" into the chair. Is that  
10 correct?

11 A. Yes, sir.

12 Q. Did you actually see those words?

13 A. I think I did, yes.

14 Q. And how did you know that he carved those  
15 words into the chair?

16 A. I guess we discussed it and he said he  
17 didn't know why he etched them.

18 Q. Do you recall seeing several pieces of the  
19 chair, the vinyl top on the floor?

20 A. They was somewhere but they were cut, yes.

21 Q. Did you ask Pfc Manning why he carved the

1 words "I want" into the chair?

2 A. I don't know if I asked him that or not. I  
3 don't recall the exact like details of the  
4 conversation, sir.

5 Q. You indicate that you spoke with him for  
6 over an hour, or about an hour; is that right?

7 A. Could you move down, please, so I can see.  
8 I'm not sure where you are referring, sir.

9 Q. Sure.

10 (Pause)

11 A. I don't know where it says I talked to him  
12 for an hour.

13 Q. I'll hand you a copy of the exhibit. It's  
14 on Page 2. I'll turn it to Page 2 for you. See on  
15 Page 2 where you say -- after an hour you recall the  
16 word -- (inaudible)

17 A. Yes, sir, I see it.

18 Q. All right. So you talked to him for about  
19 an hour?

20 A. I was in there for about an hour.  
21 According to this, yes. Whether I was talking to him

1 the entire time, I don't know, but I was present.

2 Q. When you did talk to him, what did you guys  
3 talk about?

4 A. I guess he told me about how he was feeling  
5 and how he felt fragmented.

6 Q. Did you ask him questions like why did you  
7 carve those words into the chair?

8 A. I may have. I don't -- I don't recall  
9 asking him that specific question, sir, but I mean I  
10 may have asked him, yes.

11 Q. Did you ask him why he was on the floor in  
12 the storage room?

13 A. I'm sure I asked him what was wrong and  
14 over the course of the conversation, you know, I drew  
15 out or I learned from him what occurred, I drew out and  
16 found whatever is in Paragraph 4, 5 and 6, sir.

17 Q. How did this conversation end?

18 A. He was cold. And I put him back at his  
19 workstation, sir.

20 Q. And why, based upon seeing what you saw,  
21 and spent an hour with him, would you ever put him back

1 in his workstation?

2 A. Because, again, I think recently he had  
3 been, and I can't state 100 percent sure, but I believe  
4 he had missed some work recently or for some reason and  
5 there, again, there were tasks to do in regards to  
6 analyzing the threat. So I did.

7 Q. Why wouldn't you have taken him to mental  
8 health immediately?

9 A. He had been going to mental health several  
10 times.

11 Q. But why not at this point, when you find  
12 him in the storage room with a knife at his feet, why  
13 wouldn't you then take him to mental health  
14 immediately?

15 A. I'm not sure, sir. I mean he had been  
16 going -- I don't know why I didn't take him that night,  
17 sir. We did later obviously but not at that time.

18 Q. Right. Later. That's when he assaulted  
19 Specialist Showman?

20 A. Yes, sir.

21 Q. That same shift?

1           A.     Yes, sir.

2           Q.     Why didn't you immediately go to the S2 or  
3 the company commander to inform them what you saw?

4           A.     I can't say, sir. I mean, again, he was in  
5 the process of therapy. There was stuff to do. I'm  
6 not, you know, exonerating myself for my decision. I  
7 don't know exactly what was going through my mind, but  
8 for whatever reason I felt that he had calmed down,  
9 there had been behaviors before where he would have  
10 incidents and he would calm down and be fine. So I  
11 wrongly assessed that he was stable enough to conduct  
12 his shift.

13          Q.     Now you received a General Officer  
14 Memorandum of Reprimand, correct?

15          A.     Yes, sir.

16          Q.     And that GOMOR documented your failure to  
17 report to the chain of command various acts of  
18 misconduct and inappropriate behavior by Pfc Manning?

19          A.     I haven't read it in a very long time, but  
20 I believe that's what it referred to, yes, sir.

21          Q.     And the GOMOR also concluded that this

1 failure was directly related to information that was  
2 critical to the commander's determination whether to  
3 deploy Pfc Manning?

4 A. Can you repeat that, please, sir.

5 Q. Yes. The GOMOR concluded that your failure  
6 was directly related to information that was critical  
7 to the commander's determination whether to deploy Pfc  
8 Manning?

9 A. I guess that's what it said. Again, I  
10 haven't seen it in a long time, sir.

11 MR. COOMBS: Moving from the overhead  
12 that's Exhibit NNN.

13 Showing the witness what would be Defense  
14 Exhibit TTT for identification. Retrieving a copy of  
15 the previous exhibit from the witness.

16 Do you recognize that?

17 A. Yes, sir.

18 BY MR. COOMBS:

19 Q. And what is that?

20 A. That's my General Officer Memorandum of  
21 Reprimand.

1           Q.     In that General Officer Memorandum of  
2 Reprimand do you see where the command concluded -- the  
3 GOMOR they concluded that your failure was directly  
4 related to information that was critical to the  
5 commander's determination whether to maintain Pfc  
6 Manning's security clearance?

7           A.     Yes, sir, I do.

8           Q.     You submitted a rebuttal to this GOMOR?

9           A.     Yes, I did.

10          Q.     After reviewing your rebuttal, the GOMOR  
11 was still filed into your performance record?

12          A.     Yes, sir, it was.

13          Q.     After receiving the GOMOR you were sent to  
14 an Administrative Reduction Board?

15          A.     Yes, I was.

16          Q.     And that Administrative Reduction Board was  
17 convened to determine whether you should be reduced in  
18 grade for inefficiently due to your failure to respond  
19 appropriately to the various acts of misconduct and  
20 inappropriate behavior by Pfc Manning?

21          A.     That's correct.

1 Q. And you were represented by counsel at that  
2 Board?

3 A. Yes, sir.

4 Q. Witnesses were called to testify?

5 A. Yes, sir.

6 Q. You presented a defense to your actions?

7 A. Yes, sir.

8 Q. And the Board concluded that you were  
9 inefficient?

10 A. That's correct, sir.

11 Q. The Board concluded that you should be  
12 reduced in rank due to your failures?

13 A. Yes, sir.

14 Q. And you were reduced in rank?

15 A. I was.

16 Q. Retrieving from the witness Tango, Tango,  
17 Tango for identification.

18 No further questions.

19 THE COURT: Cross examination?

20 CAPTAIN OVERGAARD: Yes, Ma'am.

21 EXAMINATION BY CAPTAIN OVERGAARD



1 BY CAPTAIN OVERGAARD:

2 Q. Mr. Adkins, now the counseling statements  
3 you just went through with the Defense, the MFRs I  
4 should call them, those you prepared to provide to  
5 mental health professionals. Is that correct?

6 A. Yes, Ma'am.

7 Q. And in those there was a December 1 that  
8 documented a missing formation that occurred in July  
9 June of '09?

10 A. Somewhere around July or August, June,  
11 something like that, prior to the deployment.

12 Q. And that would be missing formation is  
13 minor misconduct for a junior soldier?

14 A. PT formation, yes.

15 Q. And Pfc Manning had an angry outburst when  
16 he was corrected for that behavior?

17 A. It wasn't 100 percent exactly when he was  
18 corrected. It was -- he was corrected by Specialist  
19 Showman, brought out to report to me. And when Showman  
20 and I were discussing the event with Pfc Manning,  
21 that's when he had his outburst. So he wasn't

1 necessarily at the initial discussion between Showman  
2 and Pfc Manning.

3 Q. Okay. And then, again, in that December  
4 MFR you documented a room key counseling that you had  
5 to do?

6 A. Yes, Ma'am.

7 Q. Again, that was minor misconduct?

8 A. Yes.

9 Q. And, again, Pfc Manning had an angry  
10 outburst in response to your counseling?

11 A. Yes, Ma'am.

12 Q. In summer of '09 you documented that he was  
13 counseled for being late a couple of times?

14 A. Yes, Ma'am.

15 Q. And as a result from being late and being  
16 counseled for his misconduct, he had another angry  
17 outburst?

18 A. Yes, Ma'am.

19 Q. And that was all in December of 2009?

20 A. You mean the tardiness and the outburst,  
21 the third outburst that you referred to?

1           Q.     The room key, the tardiness and the  
2 outburst.

3           A.     According to the MFR, yes.

4           Q.     Okay. And then did Pfc Manning go on leave  
5 in January of 2010?

6           A.     I believe so, yes, Ma'am.

7           Q.     Why did he go on leave in January?

8           A.     Normally you would have the junior soldiers  
9 go first. And additionally, I discussed with Major  
10 Clausen and others within the shop that I thought it  
11 would be good to have Pfc Manning go on leave early for  
12 a couple reasons; one, to reduce his stress; two, we  
13 weren't sure at the time how long we were going to be  
14 deployed.

15                   So I wanted to make sure that he  
16 specifically and a couple of other junior soldiers went  
17 on leave as soon as possible.

18           Q.     So you sent him back to recharge his  
19 batteries, so-to-speak?

20           A.     Yes, Ma'am.

21           Q.     And then Pfc Manning, there's no misconduct

1     until the end of April 2010?

2             A.     Yes, Ma'am.

3             Q.     So after he got back he was recharged?

4             A.     I would say, yes, his performance was  
5     satisfactory.

6             Q.     And then, again, you documented in the MFR  
7     that he was having trouble briefing -- he had some  
8     erratic behavior?

9             A.     Yes.

10            Q.     So you wrote that MFR and gave it to his  
11     doctor?

12            A.     Yes, Ma'am.

13            Q.     And then, again, at the beginning of May  
14     you saw other erratic behavior?

15            A.     Yes, Ma'am.

16            Q.     So you wrote the MFR and you gave it to his  
17     doctor?

18            A.     Yes, Ma'am.

19            Q.     And then, soon after that, when you talked  
20     to him, was it in the closet or in the supply room?

21            A.     Yeah, it was a storage room; yes, Ma'am.

1           Q.     Soon after that was when he punched  
2 Specialist Showman in the face?

3           A.     Yes, Ma'am.

4           Q.     He was removed from the SCIF right after  
5 that?

6           A.     Yes, Ma'am.

7           Q.     Then derogged right after that as well?

8           A.     I'm not 100 percent sure of all the process  
9 or order of when the derog was initiated, but he was  
10 removed from the SCIF, the locks were changed. We took  
11 him to the company to work in supply and told the first  
12 sergeant that we did not want him working back in the  
13 SCIF again.

14          Q.     Now going back to before he deployed. You  
15 instructed Pfc Manning to see mental health before he  
16 deployed, didn't you?

17          A.     Yes, Ma'am.

18          Q.     He ultimately did deploy?

19          A.     Yes, Ma'am.

20          Q.     So he was cleared for duty?

21          A.     The initial mental health examination was

1 more of a screening, which helps determine, I guess,  
2 what type of treatment the soldier might need. So the  
3 patient was screened, like an inpatient behavior of  
4 health behavior, screened Pfc Manning. But by the time  
5 we -- by the time he could get an appointment, I  
6 believe it was passed his flight time.

7 So what we decided to do was have him  
8 continue his treatment in theater with a combat stress  
9 unit that was on the FOB where we were located.

10 Q. So he received an initial screening?

11 A. Yes, Ma'am.

12 Q. And was the information from the initial  
13 screening go to you or to the company commander?

14 A. It stayed, as far as I know, it stayed in  
15 the Behavior Health.

16 THE COURT: It stayed where?

17 THE WITNESS: Behavior Health.

18 BY CAPTAIN OVERGAARD:

19 Q. If there was a reason for Pfc Manning not  
20 to deploy, would you expect Behavior Health to share  
21 that with the company commander?

1           A.     At that time, because there was only a  
2 screening, I don't know what they would have  
3 recommended because it probably was conducted by like a  
4 PFC or a specialist.

5                     So without him having seen or been treated  
6 by a therapist, I'm not certain that Behavior Health  
7 would have made that recommendation based on simple  
8 screening of the soft soldier.

9           Q.     So your understanding is he just had the  
10 screening before?

11          A.     Yes, Ma'am.

12          Q.     But he did receive a fit for duty after you  
13 deployed?

14          A.     Yes.

15          Q.     And he was determined fit for duty?

16          A.     That's what the commander and first  
17 signature told me, yes.

18          Q.     So the commander and first sergeant would  
19 get the fit for duty report?

20          A.     Yes, Ma'am.

21          Q.     You never saw those reports?

1           A.     I did not.

2           Q.     Was that a commanded directed evaluation  
3 you got in theater?

4           A.     I'm sure it was. I mean, I don't recall  
5 the exact -- everything that led to the evaluation, but  
6 Major Drener, or whoever the commander was. It may  
7 have been Captain Freeburg at the time, I don't recall,  
8 I think it was Major Drener, would have had to have  
9 ordered the fit for duty evaluation.

10          Q.     And then Pfc Manning, he continued to see  
11 Behavior Health throughout the deployment?

12          A.     Yes, Ma'am.

13          Q.     And he continued to be fit for duty  
14 throughout the entire deployment?

15          A.     According to the doctors, yes, Ma'am.

16          Q.     And you said before you wrote these MFRs  
17 and you are not a psychiatrist or psychologist, but you  
18 did it to give Pfc Manning's records from your  
19 perspective situation awareness of what Pfc Manning was  
20 doing on a daily basis?

21          A.     Yes, Ma'am. Or when he had incident, yes.



1 Q. So only when you felt there was incidents  
2 that needed to be documented, you reported?

3 A. Yes, Ma'am.

4 Q. Pfc Manning is NCO support channel in Iraq  
5 was Sergeant Padgett or Sergeant Mitchell during the  
6 day or night shift. Is that correct?

7 A. Yes, Ma'am. His first line supervisor was  
8 Specialist Padgett. He fell operationally under Mr.  
9 Balonek, who was then a staff sergeant. Then myself  
10 and the first sergeant and sergeant major.

11 Q. Okay. And you did your best to keep the  
12 soldier issues away from Staff Sergeant Balonek?

13 A. Yes.

14 Q. Because he was the master analyst?

15 A. Yes. He was the person who had the best  
16 handle on the most active and dangerous threat. And  
17 ensuring that he focused primarily on the threat was  
18 one of my intents that he could address what the enemy  
19 was doing primarily. So I used him as a senior analyst  
20 along with Mr. Ehresman, yes, Ma'am.

21 Q. So you wanted him to focus on actually

1 engaging the enemy?

2 A. Yes. I wanted them all to. And I felt  
3 that Mr. Balonek, being the chief analyst, and Shias  
4 being the chief threat to us and to the Iraqis in our  
5 sector, I felt that Mr. Balonek's extensive focus on  
6 the enemy situation would better serve the unit than  
7 having him also work extensively on administrative and  
8 soldiers issues.

9 So primarily it was hoped that I would work  
10 a lot with Specialist Padgett in regards to some of the  
11 soldier issues that Mr. Balonek might normally have  
12 handled otherwise.

13 Q. And Pfc Manning went to you with a lot of  
14 his personal issues?

15 A. He came to me several times, yes, Ma'am.

16 Q. You were very approachable?

17 A. I guess so.

18 Q. And you tried to help Pfc Manning deal with  
19 the stresses that he had in a productive way?

20 A. Yes, Ma'am.

21 Q. And you thought he was salvageable?

1           A.     I did.

2           Q.     You thought there was no reason for him not  
3 to succeed?

4           A.     I thought there was no reason, and this is  
5 before I knew everything, but I thought there was no  
6 reason that this soldier, with the help he was  
7 receiving, could get through his term of enlistment.  
8 And be honorably discharged and carry on with his life.

9                   Because it was, I thought it was obvious to  
10 him and to myself that the Army, it was a good thing,  
11 but the Army isn't for everyone. And so the hope and  
12 my intent was, just get through the deployment, you  
13 come home and start (inaudible) you leave the Army and  
14 you just move on.

15          Q.     And you made assessment based on your  
16 experience with other soldiers?

17          A.     Yes, Ma'am.

18          Q.     You had been able to get other soldiers  
19 that were struggling with being in the Army through  
20 their deployments?

21          A.     Yes, Ma'am.

1           Q.     You mentioned that you chose to remove the  
2 bullet from Pfc Manning's weapon during the deployment?

3           A.     Yes, Ma'am.

4           Q.     Had you had to do with other soldiers?

5           A.     Yes, Ma'am.

6           Q.     And had you also had to take other measures  
7 such as, you know, having a soldier sleep in the SCIF  
8 to also help make him order?

9           A.     Yes, Ma'am.

10          Q.     Did you ever have to recommend a soldier  
11 redeploy early due to behavioral or mental health  
12 problems?

13          A.     Not that I can recall, no.

14          Q.     And that would have been a decision more  
15 for higher ups to make?

16          A.     Yes, Ma'am.

17          Q.     So your thought was, appropriate guidance,  
18 MFR assistance, that Pfc Manning could fulfill his  
19 requirements and he could be a successful intel  
20 analyst.

21          A.     Yes, Ma'am.

1           Q.     If a mental health professional in Iraq had  
2     told you that Pfc Manning had to redeploy, you would  
3     have relayed to the first sergeant or to the commander?

4           A.     It would have been relayed to the first  
5     sergeant or commander by the mental health professional  
6     and he would have just been removed.

7           Q.     You said you were focused on the mission,  
8     obviously?

9           A.     Yes, Ma'am.

10          Q.     You were focused on the fact that you  
11     needed Shia analyst to actually analyze the threat that  
12     was occurring in theater from the group that was  
13     presenting the most threat to our troops at that time?

14          A.     Yes, Ma'am.

15          Q.     And without an analyst in Pfc Manning's  
16     position, you thought that it would eliminate the  
17     effective fusion of ideas on the threat?

18          A.     Yes, Ma'am.

19          Q.     So you thought, if you kept the stress  
20     level low, that that would also help?

21          A.     Yes, Ma'am.

1 Q. So you put Pfc Manning on night shift?

2 A. Yes, Ma'am.

3 Q. And again, you recommended mental health or  
4 Behavior Health, and you also recommended that he go  
5 see the chaplain. Is that correct?

6 A. Yes, Ma'am.

7 Q. And he did see the chaplain?

8 A. Yes, Ma'am.

9 Q. And you also recommended that he keep a  
10 journal?

11 A. Yes, Ma'am.

12 Q. That he find constructive ways to have an  
13 outlet for the stress that he was experiencing?

14 A. Yes, Ma'am.

15 Q. And a lot of soldiers actually went to  
16 mental health during the '09-'10 deployment?

17 A. I'm certain. Yes, Ma'am.

18 Q. It was more common than your previous  
19 deployments?

20 A. It was certainly more common and I think  
21 part of the reason was, it was A, it was available,

1 within walking distance of where we worked; and B, I  
2 think it was more acceptable to go to someone and, you  
3 know, discuss problems or stressors with a  
4 professional.

5 Q. You encouraged your soldiers to do that, to  
6 deal with stressful situations?

7 A. If they needed to, yes.

8 Q. Your leadership style, you encouraged  
9 junior soldiers to express themselves?

10 A. Yes, Ma'am.

11 Q. And that was because to quash or inhibit  
12 the free flow of ideas would be contrary to diffusion  
13 and cells functionality?

14 A. Yes. I mean basically, although  
15 (inaudible) obviously is important and within the Army,  
16 there's no -- no one has a monopoly on good ideas or  
17 good assessments, be that a senior, non-commissioned  
18 officer, a captain, Pfc, a specialist or buck sergeant.

19 So one of the things I wanted to ensure was  
20 that soldiers felt that they could respectfully  
21 contradict or counter arguments or analysis that was

1 presented by certain personnel in order to make sure  
2 that the ideas that people had could be effectively  
3 meld into a good solid intelligence environment.

4 Q. And that was to be an intel analyst?

5 A. Yes, Ma'am.

6 Q. In late April of 2010, when you received  
7 the email that the Defense was just showing you what  
8 the picture of Pfc Manning, regardless of his cross  
9 dressing on that email, did you still trust him to do  
10 his job?

11 A. I did.

12 Q. And why is that?

13 A. Because he was still producing good  
14 products. He's still meeting the standards that Mr.  
15 Balonek or whomever tasked him, he's meeting the  
16 standards to effectively assess and analyze the threat.

17 Q. You didn't believe that just because he  
18 sent a photo of cross dressing he was a security  
19 threat, did you?

20 A. I didn't necessarily come to that  
21 conclusion.



1           Q.     You deployed on four separate occasions,  
2 correct?

3           A.     Yes, Ma'am.

4           Q.     And in all those deployments you were in a  
5 leadership position in an S2 job?

6           A.     Three of them, yes. In brigade S2. In the  
7 4th I was in the Combined Joint Intelligence Operations  
8 cell in Afghanistan.

9           Q.     What was your position there?

10          A.     I was the CJ2 Ops NCRIC as Sergeant First  
11 Glass.

12          Q.     Based on your experience with these four  
13 separate deployments, was the '09-'10 deployment, was  
14 the OPSET or physical security practices any different  
15 than your previous deployments?

16          A.     No, Ma'am.

17          Q.     Did the deliberate compromise of classified  
18 information occur those deployments?

19          A.     During my previous deployments? No, Ma'am.

20          Q.     Despite the personnel shortages that your  
21 shop had, you got your mission accomplished?

1           A.     Yes, Ma'am.

2           Q.     And the soldiers knew, the junior analysts  
3 knew, if they had questions or concerns, they could  
4 come to you?

5           A.     They could come to whomever they felt would  
6 provide them assistance. So me included.

7           Q.     They knew somebody would be available for  
8 them?

9           A.     Yes, Ma'am. I mean, Mr. Ehresman was  
10 approachable, Captain Fields, Lieutenant Gaab, myself,  
11 Captain martin, certainly Captain Lim as well.

12          Q.     And captain Lim, he was a good S2?

13          A.     Yes, Ma'am, he was very good.

14          Q.     His knowledge of tactical S2 was very good  
15 as well?

16          A.     I would say it was probably the best I have  
17 seen as brigade S2, as far as his tactical knowledge  
18 for tactical S2.

19          Q.     You had no reservations about his ability  
20 to accomplish a mission?

21          A.     No, I did not.

1 CAPTAIN OVERGAARD: No further questions.

2 THE COURT: Redirect?

3 MR. COOMBS: No, Your Honor.

4 THE COURT: Mr. Adkins, you testified that  
5 Pfc Manning tried to recall earlier, something one of  
6 the MFRs about Pfc Manning trying to recall the email  
7 that he sent you. What happened?

8 THE WITNESS: When I spoke with Pfc  
9 Manning, when he gave me, when he sent the email, the  
10 first thing he told me was, he had tried to recall the  
11 email.

12 Evidently, you know, he was unsuccessful.  
13 He stated at least now, I mean, I don't know if he did,  
14 but he stated that he attempted to recall the email  
15 after he sent it.

16 THE COURT: You also testified that both  
17 you and Pfc Manning were at a meeting of the minds that  
18 the Army is not good for everyone. I assume you mean  
19 it probably wasn't a good place for Pfc Manning; is  
20 that right?

21 THE WITNESS: I felt that probably words to

1     that effect. I felt that the Army, that he could last  
2     out his deployment and his enlistment and successfully  
3     leave the Army. I didn't necessarily feel that the  
4     Army was a long-term option for Pfc Manning. And I  
5     believe I told him that.

6                 THE COURT: Do you know when the end of his  
7     enlistment was up?

8                 THE WITNESS: I don't. I don't recall if  
9     it was a four-year enlistment or four years and 23  
10    weeks or 39 weeks or what have you. It was probably  
11    shortly after, relative shortly after we redeployed.  
12    Probably within the year. Because he arrived in '08,  
13    which means he probably ended '07. I don't recall  
14    exactly.

15                THE COURT: In the MFRs that you had up  
16    there, you testified a little bit earlier about this,  
17    but you seemed to have familiarity with psychiatric  
18    terms, perhaps greater than the average person. Is  
19    there a background for that?

20                THE WITNESS: Some people I have known in  
21    the past had suffered psychiatric problems, so I was

1 familiar with some of the terms. Again, I mean  
2 obviously I'm not an expert, but I was hoping that some  
3 of my layman's observations would -- but I was familiar  
4 with the some of the terms based on some people I had  
5 known in the past who had psychological or major  
6 issues.

7 THE COURT: Follow up based on that?

8 MR. COOMBS: No, Your Honor.

9 THE COURT: Mr. Adkins, once again you are  
10 temporarily excused. Please don't discuss your  
11 testimony or knowledge with the case with anyone other  
12 than the lawyers and the accused while the trial is  
13 still going on.

14 THE WITNESS: Yes, Ma'am.

15 THE COURT: We are all looking at the  
16 clock. Do you want to confer to propose the way ahead  
17 for today.

18 MR. COOMBS: I believe, given the witnesses  
19 I have, we could still come back at 1430 and be fine  
20 with finishing witnesses plus Ms. Smith today.

21 THE COURT: Any objection?

1                   MR. FEIN: Ma'am, if we are going to have  
2 Ms. Smith, we are going to ask more time now for lunch  
3 to prepare since we were planning on that tomorrow or  
4 do before Ms. Smith testifies. It doesn't necessarily  
5 matter to the Government.

6                   THE COURT: Make it 1500. Will that give  
7 you enough time?

8                   MR. FEIN: Oh, yes, Ma'am.

9                   THE COURT: Any objection? All right. The  
10 Court is in recess until 1500.

11                  (Court recessed the morning session at 1304 p.m.)  
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